The City Council of the City of Raleigh met in regular session on Tuesday, August 6, 1985, at 1 p.m. in the City Council Chambers of the Raleigh Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend David Sloop, Church of the Good Sheperd, after which, the following items were discussed with actions taken as shown:

RECOGNITION OF SPECIAL ITEMS

***MAYOR'S COMMENTS - RECEIVED

Mayor Upchurch indicated this Council has served approximately twenty months and a number of Council members have indicated that they do not plan to run for re-election. He pointed out this City Council has faced some of the greatest challenges of any City Council serving the City of Raleigh. He indicated at this point he wanted to express appreciation to the Council members for their cooperation and dedication and diligent work pointing out he feels that history will show that this Council did an excellent job. He expressed appreciation to all Council members for their work pointing out he "loves all them some" and their work will not be forgotten. He indicated those Council members who have indicated they will not run he hopes and knows will continue to be involved and help the City of Raleigh.

***CERTIFICATES OF APPOINTMENT - PRESENTATIONS MADE

Mayor Upchurch explained the presentation of the Certificates of Appointment and presented the following certificates: Civil Service Commission - Jack T. Wall; Downtown Housing Improvement Corporation Board of Directors - Gus Anderson, Daniel Ellison and Ruth Pope; Human Resources and Human Relations Advisory Committee - Kaye Holder; Mayor's Committee on Services to the Handicapped - Ronita Caldwell, Jane Green and Mary Niebur.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Ms. Block requested that the following items be removed from the Consent Agenda: Temporary office space - Friendship Force, Consultant Services - Roof Repairs, Budget Amendment relating to soil erosion and sedimentation measures and the traffic item relating to Avent Ferry Road. Mr. Congleton requested that the transfer relating to Leadmine Road relocation be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Ms. Cates moved that Administration's recommendations on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Ms. Babb and put to a vote roll call vote which resulted in members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PRIVILEGE LICENSE - ELDORADO LOUNGE - APPROVED

This is a privilege license application for "Eldorado Lounge," located at 1803 Garner Road. The owner/manager, Roy Haywood Norwood, is the individual making the application. City Code Sections 2-2032 (2), (3), (5), and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class one entertainment center. Police and Inspections reports indicate approval.

Recommendation: That this application be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***PRIVILEGE LICENSE - CHI-CHI'S MEXICAN RESTAURANT - DENIED

This is a privilege license application for "Chi-Chi's Mexican Restaurant," located at 4212 Wake Forest Road. The manager, Gregory Estes, is the individual making the application. City Code Sections 2-2032 (2), (5), and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, with live entertainment, classified as a class one entertainment center. The Inspections report indicates approval. The Police report indicates disapproval. Copies of these reports are included in the Agenda packet.

Recommendation: That disapproval be given. Consent Agenda approval Cates/Babb - 8 ayes.

***COMMUNITY DEVELOPMENT PROGRAM - LOAN PROGRAM - APPROVED WITH CONDITIONS

The following loan applications have been processed:

1) Roderick Hodge
1120 S. Bloodworth Street
Loan Amount: $27,000 CD Loan
5,000 Rental Rehabilitation Loan

Condition: That Board of Adjustment approval is given to a request which will be heard on August 12, 1985.

2) Willie J. Burden
516-516½ New Bern Avenue
Loan Amount: 7,550 CD Loan

Recommendation: Approval with special condition as stipulated. Consent Agenda approval Cates/Babb - 8 ayes.

***CD - HAYWOOD STREET PROJECT - APPROVED

The original intent was to finance the sale of these rehabilitated units through the Tri-Party Agreements. However, FNMA officials have advised the City that changes need to be made to this program before future loans can be made. Therefore, it is necessary to handle these under the standard Community Development Loan Program as follows:

1) Process the sale of the eight houses on Haywood Street through the City's Community Development Loan Program. Financing will be for 95% of appraised value at 10.5% for a maximum term of 30 years. Borrower will be responsible for 5% down payment, loan closing cost, and prepaid items.

2) Approval of loan applications for the following buyers for five of the eight Haywood Street houses:

Jeanette Terrell 112 S. Haywood St.	Sale Price: $38,500 Loan Amount: 31,825
James & Glenda Cofield 113 S. Haywood St.	Sale Price: $35,000 Loan Amount: 33,250
Debra A. Baker 116 S. Haywood St.	Sale Price: $35,000 Loan Amount: 33,250
Delores Hunter & James Singletary 117 S. Haywood St.	Sale Price: $35,000 Loan Amount: 28,000
Charles & Lillian Partridge 118 S. Haywood St.	Sale Price: $39,500 Loan Amount: 37,280

The sale prices and fair market disposition values were approved by Council during the May, June, and July Council meetings.

Recommendation: That the loan applications be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***GRANT APPLICATION - TITLE V OLDER AMERICANS PROGRAM - GRANT APPLICATION AUTHORIZED

The City currently has a grant funded by this program which provides part-time employment in the City organization for older Americans. Currently there are four such positions.

Recommendation: That the grant request for continuation of this program be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***GRANT APPLICATION - VICTIM ASSISTANCE - SUBMITTAL APPROVED

The State is soliciting proposals for grants under the Governor's Crime Commission Program. The staff has developed a proposal for enhancing the Victim Assistance Program of the City to focus on domestic violence as specifically related to child and spouse abuse. A copy of the grant application was in the Agenda packet. The grant amount would be $20,000 for a 10-month special project. The current City budget for the Victim Assistance Program would be the in-kind match.

Recommendation: That the grant application be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***GRANT APPLICATION - HYDRILLA STUDY - CITY AUTHORIZED TO PARTICIPATE

The University Study group desires to purchase additional hydrilla-eating carp. They wish to use $1,000 of the City's 1985-86 funding for this program to match grants from the State and Corps of Engineers.

Recommendation: That the City participate in this grant application. Consent Agenda approval Cates/Babb - 8 ayes.

***ROAD BOND SALE - BOND SALE RESOLUTION ADOPTED

Council has previously approved an $8,000,000 bond sale for August 27. It is necessary that the Council officially adopt a Bond Sale Resolution for this Road Program Bond Sale.

Recommendation: That the Bond Sale Resolution be adopted. Consent Agenda approval Cates/Babb - 8 ayes.

RESOLUTION NO. (1985) 894

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized by said bond order; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Raleigh, North Carolina (the "Issuer"), as follows:

1. The Issuer shall issue its bonds of the aggregate principal amount of $8,000,000 pursuant to and in accordance with the street and sidewalk bond order adopted by the City Council on October 16, 1984. The bonds shall be designated "Street and Sidewalk Bonds, Series 1985". The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from September 1, 1985. The bonds shall be issuable in the denomination of $5,000 each or any integral multiple thereof, shall be numbered so as to uniquely designate each bond and such numbering shall be in accordance with the system of the hereinafter designated bond registrar of the Issuer, and shall be payable in annual installments on March 1 in each year, as follows:

$500,000 in the year 1987
$350,000 in each of the years 1988 to 1991, inclusive,
$400,000 in each of the years 1992 to 1997, inclusive,
$600,000 in each of the years 1998 to 2002, inclusive, and
$700,000 in the year 2003

2. The bonds shall be dated September 1, 1985 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable semi-annually on March 1 and September 1.

3. The bonds shall be registered as to principal and interest, and shall bear the facsimile signatures of the Mayor and the City Clerk. A facsimile of the corporate seal of the Issuer shall be imprinted upon each of the bonds.

4. Interest on the bonds shall be paid by check by Wachovia Bank and Trust Company, N.A., Winston-Salem, North Carolina, as paying agent, and mailed to the registered of the owner of record as of 15 days prior to the interest payment date at his address as it appears on the bond registry books of Wachovia Bank and Trust Company, N.A., as registrar and transfer agent. Principal of the bonds shall be paid by check by Wachovia Bank and Trust Company, N.A., upon presentation of the bonds for payment.

5. The bonds maturing on and after March 1, 1997 shall be subject to redemption prior to their stated maturities at the option of the Issuer on or after March 1, 1996, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (½ of 1%) of the principal amount of each bond to be redeeded for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot. If less than all of the bonds of different maturities are called for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the principal amount of a single bond is to be redeemed, the Issuer shall exchange a bond of the denomination representing the portion of the bond not redeemed to the registered owner in exchange for the bond a portion of which is to be redeemed. Whenever, the Issuer shall elect to redeem bonds, notice of such redemption of bonds, stating the redemption date, redemption price and identifying the bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable upon each bond or portions thereof so to be redeemed, the principal thereof, redemption premium and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given by publication at least once in a newspaper of general circulation in the City of Raleigh, North Carolina and at least once in a daily newspaper of general circulation or a financial journal distributed

in the Borough of Manhattan, City and State of New York not less than 30 days prior to the redemption date fixed in said notice. Such notice shall be given not less than 30 days nor more than 60 days prior to the redemption date in writing to the registered owners, by pre-paid first class mail, at their addresses as such addresses appear on the records of Wachovia Bank and Trust Company, N.A., as bond registrar, but any failure in respect of such mailing will not affect the validity of the redemption.

6. The bonds and the provisions for the registration of the bonds, for the approval of the bonds by the Secretary of the Local Government Commission and for authentication of the bonds by Wachovia Bank and Trust Company, N.A., as transfer agent and registrar, to be endorsed thereon shall be in substantially the following form:

(Form of Bond)

NO. R- $ _____

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF RALEIGH

INTEREST RATE	MATURITY	DATE OF ORIGINAL ISSUE SEPTEMBER 1, 1985	CUSIP

REGISTERED OWNER:

PRINCIPAL SUM: DOLLARS

STREET AND SIDEWALK BOND, SERIES 1985

The City of Raleigh (hereinafter referred to as "City"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on that date specified above, upon surrender hereof, the principal sum shown above and to pay to the registered owner hereof interest thereon from the date of this bond until it shall mature at the rate per annum specified above, payable semi-annually on March 1 and September 1 of each year. Principal of this bond is payable by check by Wachovia Bank and Trust Company, N.A., in Winston-Salem, North Carolina, as paying agent, or by the duly appointed alternate or successor paying agent (the "Paying Agent"), in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts. Interest on this bond is payable by check by the Paying Agent and mailed to the registered owner hereof at his address as it appears on the bond registry books of Wachovia Bank and Trust Company, N.A., as transfer agent and bond registrar (the "Transfer Agent"), at the close of business on the fifteenth calendar day next preceding each semi-annual interest payment date.

This bond is transferable by the registered owner hereof or his duly authorized attorney at the principal office of the Transfer Agent, upon surrender of this bond, accompanied by a duly executed instrument of transfer in form and with guaranty of signature satisfactory to the Transfer Agent, and upon payment of any taxes or other governmental charges incident to such transfer. Upon any such transfer a new registered bond without coupons of the same maturity and in the same aggregate principal amount will be issued to the transferee. The person in whose name this bond is registered shall be deemed the owner hereof for all purposes, and the City and the Transfer Agent shall not be affected by any notice to the contrary.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, pursuant to Subchapter IV of The Local Government Finance Act and a bond order adopted by the City Council of the City on October 16, 1984, to pay capital costs of financing streets and sidewalks. The issuance of this bond and the contracting of the indebtedness evidenced thereby have been approved by a majority of the qualified voters of the City voting at an election held in the City on November 6, 1984.

The bonds maturing on and after March 1, 1997 shall be subject to redemption prior to their stated maturities at the option of the City on or after March 1, 1996, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (½ of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent of such principal amount. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot. If less than all of the bonds of different maturities are called in the inverse order of their maturities. If less than all of the principal amount of a single bond is to be redeemed, the City shall exchange a bond of the denomination representing the portion of the bond not redeemed to the registered owner in exchange for the bond, a portion of which is to be redeemed. Whenever the City shall elect to redeem bonds, notice of such redemption of bonds, stating the redemption date, redemption price and iden-

tifying the bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable upon each bond or portions thereof so to be redeemed, the principal thereof, redemption premium and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given by publication at least once in a newspaper of general circulation in the City of Raleigh, North Carolina and at least once in a daily newspaper of general circulation or a financial journal distributed in the Borough of Manhattan, City and State of New York not less than 30 days prior to the redemption date fixed in said notice. Such notice shall be given not less than 30 days nor more than 60 days prior to the redemption date in writing to the registered owners, by pre-paid first class mail, at their addresses as such addresses appear on the records of Wachovia Bank and Trust Company, N.A., as bond registrar, but any failure in respect of such mailing will not affect the validity of the redemption.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose until the certifications hereon shall have been signed by authorized representatives of the Local Government Commission of North Carolina and Wachovia Bank and Trust Company, N.A.

IN WITNESS WHEREOF, the City has caused this bond to bear the facsimiles of the signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City to be imprinted hereon and this bond to be dated September 1, 1985.

(SEAL)

(facsimile signature)
City Clerk

(facsimile signature
Mayor

Transfer Agent's Certificate of Authentication

This bond is one of the bonds of the issue designated herein and issued under the within-mentioned bond order.

WACHOVIA BANK AND TRUST COMPANY, N.A.

By: _____
Authorized Signatory

Date of Authentication _____

The issue hereof has been approved under the provisions of The Local Government Bond Act.

(facsimile signature)
JOHN D. FOUST
Secretary of the Local Government Commission

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
_____,
The within Bond and irrevocably appoints _____,
attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

_____
Signature Guaranteed:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

_____

7. Action taken by officials of the Issuer to select disbursement and transfer agents, and a bond registrar, or alternate or successor agents and registrars

pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

8. The Local Government Commission of North Carolina is hereby requested to sell said bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

9. The Mayor and the City Clerk of the Issuer are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to Wachovia Bank and Trust Company, N.A., for delivery to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

The motion having been duly seconded, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Mayor Upchurch, Ms. Babb, Ms. Block, Rev. Calloway, Ms. Cates, Mr. Congleton, Mr. Keller, Mr. Walters

NAYS: None

***DENTAL INSURANCE PROGRAM - ADMINISTRATION AUTHORIZED TO NEGOTIATE

The 1985-86 budget provides for the addition of dental care to the City's Health Care Program. At this time, the City's Health Care Program is self-insured (no private carrier) with Blue Cross- Blue Shield being the administrative service agent. It is desired to remain with the Blue Cross Program for dental care under an insurance program arrangement. Such an arrangement would, of course, be contingent on negotiating a reasonable insurance rate.

Recommendation: That the Council concur with the proposal to negotiate an annual insurance program and related premiums. A report and detailed proposal would be submitted to Council for approval following negotiations. Consent Agenda approval Cates/Babb - 8 ayes.

***PERSONNEL - RECLASSIFICATIONS IN INSPECTIONS DEPARTMENT - APPROVED WITH CONDITIONS

The rapid growth in construction activity necessitates that the Inspections staff be as efficient as possible. Under State law, each Inspector has to be certified to inspect certain types of buildings. There are three levels with Level III being able to inspect all buildings from the smallest to the largest commercial buildings. Our present system specifies that we will have a certain number of Level II Inspectors and a certain number of Level III Inspectors. The need for flexibility and response to the inspection workload indicates that we need a process to facilitate each Inspector attaining the qualifications for inspecting all buildings on a Level III.

Recommendation: That the following Inspections positions be reclassified from Pay Grade 31 to Pay Grade 32:

4 - Building Inspector II
4 - Electrical Inspector II
2 - Plumbing Inspector II
4 - Mechanical Inspector II

Individuals in current Level II positions noted above will be required to obtain Level III certification within 18 months.

Individuals in current Level II positions would advance to the Level III classification (Grade 32) with the corresponding 5% pay increase only upon receipt of Level III certification.

New employees who may be hired without the Level III certification will be hired as "trainees" at a pay grade below Step 1 in Grade 32 as approved by the City Manager and will be required to obtain Level III certification within a specified time after employment as determined by the City Manager. Consent Agenda approval Cates/Babb - 8 ayes.

***OPTIMIST POOL - PURCHASING OF TIMING CONSOLE - APPROVED - FUNDS APPROPRIATED

During the past two years, the City has been upgrading the timing equipment at Optimist Pool for competitive events. The first step involved the purchase of timing equipment. Subsequently, a scoreboard was purchased. The problem is that the vendor for the timing equipment has failed to provide adequate equipment to be compatible with the City's other equipment. A report was included in the Agenda packet. A need exists to purchase a timing console as soon as possible. This unit must be compatible with our equipment.

Recommendation: That the City Attorney continue with legal action against the previous supplier of the console;

That the Council approve the following transfer of funds to purchase a new console:

From:	18-2-1000-0001	Amusement Fund Reserve	$3,151.19
To:	18-2-1000-0712	Timing Console	$3,151.19

Approve purchase of console from Daktronics as the single source supplier.

Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1040-0001	Contingency	$ 355.30
To	01-2-1030-0211	Add. Court Cost	355.30

Purpose: To purchase transcript in Civil Service Case - James Giles.

From	18-2-1000-0001	Amusement Reserve	3,151.19
To	18-2-1000-0712	Timing Console	3,151.19

Purpose: To purchase new timing console for Optimist Pool.

From	38-2-3340-0100	Sanderford Road	143,902.00
To	38-2-3340-0101	Sanderford Road (General)	143,902.00

Purpose: To establish account for general construction at Sanderford Road Park.

From	38-2-3340-0100	Sanderford Road	37,198.00
From	37-2-1000-0100	Council Reserve	2,202.00
To	38-2-3340-0105	Sanderford Road (Elec.)	39,400.00

Purpose: Establish account for electrical contract for Sanderford Road Park construction project.

From	38-2-3510-0100	Worthdale Center	179,782.00
To	38-2-3510-0101	Worthdale Center Gen.	179,782.00

Purpose: Establish account for general construction, expansion of Worthdale Community Center.

From	38-2-3510-0100	Worthdale Center	10,023.00
To	38-2-3510-0105	Worthdale Center-Plumbing	10,023.00

Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.

From	38-2-3510-0100	Worthdale Center	9,995.00
To	38-2-3510-0106	Worthdale Center - Electrical	9,995.00

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From	38-2-3510-0100	Worthdale Center	7,170.00
To	38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From	06-2-7100-0002	Contingency	46,900.00
To	06-2-7050-0736	Terra Gator	2,105.00
To	06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From	81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To	81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From	01-2-1040-0001	Contingency	1,600.00
To	01-2-6000-0231	Travel	1,600.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

From	01-2-1040-0001	Contingency	3,000.00
To	01-2-1100-0265	Other Services	3,000.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

From 01-2-1200-0230	Motor Vehicle M&O	1,080.00
To 01-2-1200-0237	Car Rental	1,080.00

Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

From 35-2-1000-0100	Council Reserve	21,000.00
To 35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To 35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

From 38-2-3040-0100	Green Road	3,700.00
To 38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

From 37-2-1000-0100	Council Reserve	4,172.56
To 38-2-2040-0102	Millbrook Exchange Pool B	4,172.56

Purpose: Increasing design services fee for pool.

From 37--2-1000-0100	Council Reserve	3,800.00
To 38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From 34-2-3930-0100	City Market	320,000.00
To 34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***MCDONALD LANE SAFETY STUDY - PARKING PROHIBITIONS AUTHORIZED

Council members received in their Agenda packet a traffic safety study relating to McDonald Lane as requested.

Recommendation: That the parallel parking along the east side of McDonald Lane be prohibited. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 620

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Calvary Drive at Hargrove Road
West Johnson Street at Park Drive West
Nikole Court at Summerland Drive
Park Drive, eastbound, at Park Drive West
Park Drive West, northbound, at College Place
Shellburne Drive at Summerland Drive
Villa Green Court at Shellburne Drive

Section 2. That Traffic Schedule 5A3 entitled "40 MPH SPEED ZONES" be amended by adding the following:

Avent Ferry Road from Western Boulevard to Athens Drive

Amend said Schedule further by deleting the following:

Avent Ferry Road in its entirety

Section 3. That Traffic Schedule 13 entitled "NO PARKING" be amended by adding the following:

Latta Street, both sides, in its entirety, 9:00 a.m. to 5:00 p.m., Monday through Friday
McDonald Lane, east side, from Oberlin Road to Colonial Drive

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective August 13, 1985.

Adopted: 8/6/85

Effective: 8/13/85

***SOCIAL AGENCIES - LETTER RELATIVE TO FUTURE REQUEST - APPROVED

Included in the Agenda packet was a proposed letter which would be sent to the social agencies which have been receiving funding from the City under the General Revenue Sharing Program.

Recommendation: That the Council approve the letter. Consent Agenda approval Cates/Babb - 8 ayes.

***SANITARY SEWER EASEMENT EXCHANGE - BROOKHAVEN SUBDIVISION - ADVERTISEMENT AUTHORIZED

Within a new section of the Brookhaven Subdivision, there is a need to relocate a sanitary sewer easement. A report and map were included in the Agenda packet.

Recommendation: That the Council authorize the advertisement of the exchange of sewer easements on Lot 166 in Phase I, Section 16 of Brookhaven Subdivision. Consent Agenda approval Cates/Babb - 8 ayes.

RESOLUTION NO. 1985-895

A RESOLUTION OF INTENT TO EXCHANGE SANITARY SEWER EASEMENT

WHEREAS, the City of Raleigh owns a sanitary sewer easement across Lot 166, Phase I, Section 16 of the Brookhaven Subdivision; and,

WHEREAS, in order to connect to an existing manhole it became desirable to relocate the sewer from the original design and to dedicate a new easement 20 feet wide; and,

WHEREAS, the developer has requested that the original 30 foot easement be deleted from approximately 110 feet of this lot in exchange for a new 20 foot easement; and,

WHEREAS, the new easement serves the same purpose as the original easement; and,

WHEREAS, the City Council intends to consider authorizing such an exchange of easement at its regular meeting to be held on the 3rd day of September, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Clerk shall cause to be published at least ten (10) days prior to the 3rd day of September 1985, a notice of the proposed exchange as required by General Statutes 160A-271.

Section 2. At its regular meeting on the 3rd day of September 1985, the City Council intends to authorize the exchange of property as described.

Adopted: August 6, 1985

***ROADS PROGRAM - SPRING FOREST ROAD EXTENSION - CONTRACT AWARDED

Bids have been received for this road project from Falls of Neuse Road to Lynn Road. A copy of the bid tabulation was in the Agenda packet.

Recommendation: That the contract be awarded to the low bidder, C. C. Mangum, Inc., for $927,005.25. Consent Agenda approval Cates/Babb - 8 ayes.

***ROAD CONSTRUCTION - STONEYBROOK DRIVE - AGREEMENT APPROVED

An agreement has been developed to provide for the construction of this road in conjunction with the developer of property in that area. The proposed agreement was in the Agenda packet. It calls for the City to reimburse Trawick Commercial Center for stone base and asphalt paving with a stipulation that the work be completed by September 30, 1985, with seeding work to be completed within another 30 days. The agreement limits the City's maximum cost to $45,000.

Recommendation: That the agreement be approved. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 355.30
To 01-2-1030-0211	Add. Court Cost	355.30

Purpose: To purchase transcript in Civil Service Case - James Giles.

From 18-2-1000-0001	Amusement Reserve	3,151.19
To 18-2-1000-0712	Timing Console	3,151.19

Purpose: To purchase new timing console for Optimist Pool.

From 38-2-3340-0100	Sanderford Road	143,902.00
To 38-2-3340-0101	Sanderford Road (General)	143,902.00

Purpose: To establish account for general construction at Sanderford Road Park.

From 38-2-3340-0100	Sanderford Road	37,198.00
From 37-2-1000-0100	Council Reserve	2,202.00
To 38-2-3340-0105	Sanderford Road (Elec.)	39,400.00

Purpose: Establish account for electrical contract for Sanderford Road Park construction project.

From 38-2-3510-0100	Worthdale Center	179,782.00
To 38-2-3510-0101	Worthdale Center Gen.	179,782.00

Purpose: Establish account for general construction, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	10,023.00
To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00

Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	9,995.00
To 38-2-3510-0106	Worthdale Center - Electrical	9,995.00

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	7,170.00
To 38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From 06-2-7100-0002	Contingency	46,900.00
To 06-2-7050-0736	Terra Gator	2,105.00
To 06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From 81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To 81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From 01-2-1040-0001	Contingency	1,600.00
To 01-2-6000-0231	Travel	1,600.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

From 01-2-1040-0001	Contingency	3,000.00
To 01-2-1100-0265	Other Services	3,000.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

From 01-2-1200-0230	Motor Vehicle M&O	1,080.00
To 01-2-1200-0237	Car Rental	1,080.00

Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

From 35-2-1000-0100	Council Reserve	21,000.00
To 35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To 35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

From 38-2-3040-0100	Green Road	3,700.00
To 38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

From 37-2-1000-0100	Council Reserve	4,172.56
To 38-2-2040-0102	Millbrook Exchange Pool B	4,172.56

Purpose: Increasing design services fee for pool.

From 37--2-1000-0100	Council Reserve	3,800.00
To 38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***LANDFILL GAS RECOVERY - CONTRACT WITH AMERICAN GAS RECOVERY COMPANY - APPROVED

The Council has previously approved a proposal by American Gas Recovery Company for this project. An agreement has been developed and is included in the Agenda packet.

Recommendation: That the agreement be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***SPCA CONTRACT - ANIMAL BOARDING - CONTRACT APPROVED

Each year, the City contracts with Wake SPCA to receive and board animals collected by the Human Officers. The contract needs to be renewed. The proposed contract is the same as 1984-85.

Recommendation: That the contract be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***BRIER CREEK/STATE PROPERTY ANNEXATION - FIRE SERVICE CONTRACTS - APPROVED - FUNDS APPROPRIATED - BUDGET AMENDMENT AUTHORIZED

Contracts have been negotiated with the volunteer fire departments whose service districts involved land included in the July 31, 1985, annexation of the Brier Creek and State property areas. Because these annexations are petition annexations, the City is not required to contract with these volunteer fire departments. However, these contracts have been negotiated with the departments because of the need to supplement the City's fire protection service in these areas and in the interest of aiding in the transition process for these departments as the City annexes land in their districts. A detailed chart outlining these contracts was included in the Agenda packet. A summary of the contracts is as follows:

Durham Highway Volunteer Fire Department	$ 6,730/yr.
Fairgrounds Volunteer Fire Department	$15,417/yr.
	$22,147/yr.

Revenues will be received from State reimbursement for fire protection of State property and from the property tax. This allows the following budget amendment:

Revenue (Increase)

$16,417	01-1-0010-0115	(Fire Protection Reimbursement)
$35,392	01-1-0000-0101	(Current Tax Levy)
$51,809		

Appropriation (Increase)

$22,147	01-2-4130-0265	(Fire Contract Services)
$29,662	01-2-1040-0001	(City Council Contingency)
$51,809		

Recommendation: That the budget amendment be approved and the two Fire Service Contracts be approved. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 618

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget Ordinance be amended as follows to reflect Volunteer Fire Department Contract - Brier Creek/State Property annexation:

Revenue:	01-1-0010-0115	Fire Protec. Reimb.	$16,417.00
	01-1-0000-0101	Current Tax Levy	35,392.00
Expense:	01-2-4130-0265	Fire Contract Services	$22,147.00
	01-2-1040-0001	Council Contingency	29,662.00

Section 2. That the Budget Ordinance be amended as follows to appropriate the collection of the monetary penalties received for failure to correct violations of soil erosion and sedimentation measures:

Revenue:	01-1-0070-0200	Miscellaneous	$ 3,000.00

Expense:	01-2-1240-0282	School Training	3,000.00

Section 3. That the Budget Ordinance be amended as follows to provide participants in Sr. Citizens program to take tours:

Revenue:	19-2-8030-0001	Trips, Fees, Etc.	$25,000.00
Expense:	19-2-9030-0200	Trips	25,000.00

Section 4. That the Budget Ordinance be amended as follows to provide operating funds for expenses incurred by Police Department sponsored Youth Athletic Programs:

Revenue:	19-1-8500-0101	Police Summer Basketball	$ 4,746.31
Expense:	19-2-8500-0100	Police Summer Basketball Misc.	4,746.31

Adopted: 8/6/85

***WAKE COUNTY BOARD OF EDUCATION - CONTRACT AMENDMENT RELATING TO ATHENS SCHOOL/LAKE JOHNSON PARK - APPROVED

In 1979, the City and the School Board entered into a contract involving Athens Drive School and Lake Johnson Park. Under this agreement, the City was responsible for adding 1,000 bleacher seats to the stadium and the School was responsible for improving the access road to the stadium across their property. Efforts have been underway by Administration to resolve these unfinished items as the access road is needed to serve the new pool. Included in the Agenda packet was a proposed contract amendment which deletes the responsibility of the City to install the bleachers and, in exchange, the City would provide funds toward the improvements of the access road in an amount equal to the cost of the bleacher seats ($35,000). The School System would pay the remaining cost of the road.

Recommendation: That the contract amendment be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***COMMUNITY DEVELOPMENT - TRI-PARTY LOAN AGREEMENT - AMENDMENT - APPROVED

Included in the Agenda packet is a proposed amendment to the Tri-Party Loan Agreement. It is necessary to clarify, as required by HUD, how and when the City receives its return for the portion (25%) of the loan processed through this program.

Recommendation: That the amendment be approved. Consent Agenda approval Cates/Babb - 8 ayes.

***SIDEWALKS IMPROVEMENTS - WINTON ROAD - PUBLIC HEARING AUTHORIZED

At the hearing on the name change for Atlantic Avenue-Winton Road, a request was made to consider a sidewalk in the Old Winton Road section. The sidewalk on "Old Winton Road," adjacent to the residential units, to New Hope Church Road would be a length of approximately 3,325 feet. The estimated cost is $35,000.

Recommendation: That the Council authorize a public hearing to consider sidewalk improvements on Atlantic Avenue-Winton Road, east side, from New Hope Church Road southward 3,325 feet. The hearing would be on September 3, 1985, and this would be a standard assessment project. Consent Agenda approval Cates/Babb - 8 ayes.

RESOLUTION NO. 1985-896

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of sidewalks on Atlantic Avenue/Winton Road, east side, from New Hope Church Road southward approximately 3,325 feet.

Section 2. New sidewalk construction or extensions shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a new sidewalk shall be constructed or extended on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless

there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance. However, any assessed less than one-hundred dollars shall be paid in cash within ninety days of confirmation rather than in annual assessments.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, September 3, 1985, in the Council Chamber, Municipal Building, Room 201, at 7:00 P.M., or as soon thereafter as the matter can be reached.

***STREET, SIDEWALKS AND PUBLIC UTILITY IMPROVEMENTS - BERKLEY DRIVE EXTENSION - RESOLUTION OF INTENT ADOPTED

The section of Berkley Drive from Rembert Drive to Brookhaven Park has not been constructed and is needed for public access to the Park.

Recommendation: That the Council authorize a public hearing to consider the building of Berkley Drive from Rembert Drive to Brookhaven Park as a 31-foot wide street, from back to back of curb, sidewalk on one side, 8-inch sanitary sewer line on a per front foot assessment basis, and a 6-inch water line on a per front foot assessment basis. The hearing would be on September 3, 1985. Consent Agenda approval Cates/Babb - 8 ayes.

RESOLUTION NO. 1985-897

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains, and paving 31 foot back-to-back for the extension of Berkley Drive from Rembert Drive to Brookhaven Park with the installation of sidewalk on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. New sidewalk construction or extension shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that new sidewalks be constructed or extended on one side and assessed against property abutting both sides. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in

the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 3rd day of September, 1985, in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: August 6, 1985

RESOLUTION NO. 1985-925

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

PU 1985-19 - Installation of approximately 510 feet of six-inch water main in Berkley Drive from Rembert Drive to existing park property.

PU 1985-20 - Installation of approximately 510 feet of eight-inch sewer main in Berkley Drive from Rembert Drive to existing park property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 3rd day of September 3, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: August 6, 1985

***COLLECTOR STREET PLAN - PROPOSED AMENDMENT - PUBLIC HEARING AUTHORIZED

The area between Falls of Neuse Road, Old Wake Forest Road, and Millbrook Road is beginning to develop. Administration has reviewed this area and has identified the

need for two collector streets to be a part of this area. They are shown on a map included in the Agenda packet. These two streets are not on the current Collector Street plan.

Recommendation: That the Council authorize a public hearing to consider the addition of the following streets to the Collector Street plan:

Memory Road, South of Millbrook Road; and,

A new collector street connecting Falls of Neuse Road with Wake Forest Road, approximately one-half mile south of Millbrook Road.

The hearing would be before the Planning Commission and City Council during the regular September rezoning hearing. Consent Agenda approval Cates/Babb - 8 ayes.

***SANDERFORD ROAD PARK - JOINT AWARD MADE TO W. E. GARRISON GRADING COMPANY, TOMMY LAWRENCE ELECTRICAL CONTRACT - FUNDS APPROPRIATED

Bids were received for the park improvement project on July 25, 1985. This is the second request. Bid tabulations were in the Agenda packet.

Recommendation: That the following contracts be awarded:

General Construction
W. E. Garrison Grading Company
Base bid less deduct alternates for
3,4,6 - $143,902

Electrical
Tommy Lawrence Electrical
Contractors - $ 39,400

The Agenda outlined a budget transfer that would be necessary to award the bids.

Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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To 01-2-1030-0211	Add. Court Cost	355.30
Purpose: To purchase transcript in Civil Service Case - James Giles.		
From 18-2-1000-0001	Amusement Reserve	3,151.19
To 18-2-1000-0712	Timing Console	3,151.19
Purpose: To purchase new timing console for Optimist Pool.		
From 38-2-3340-0100	Sanderford Road	143,902.00
To 38-2-3340-0101	Sanderford Road (General)	143,902.00
Purpose: To establish account for general construction at Sanderford Road Park.		
From 38-2-3340-0100	Sanderford Road	37,198.00
From 37-2-1000-0100	Council Reserve	2,202.00
To 38-2-3340-0105	Sanderford Road (Elec.)	39,400.00
Purpose: Establish account for electrical contract for Sanderford Road Park construction project.		
From 38-2-3510-0100	Worthdale Center	179,782.00
To 38-2-3510-0101	Worthdale Center Gen.	179,782.00
Purpose: Establish account for general construction, expansion of Worthdale Community Center.		
From 38-2-3510-0100	Worthdale Center	10,023.00
To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00
Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.		
From 38-2-3510-0100	Worthdale Center	9,995.00
To 38-2-3510-0106	Worthdale Center - Electrical	9,995.00
Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.		

From	38-2-3510-0100	Worthdale Center	7,170.00
To	38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From	06-2-7100-0002	Contingency	46,900.00
To	06-2-7050-0736	Terra Gator	2,105.00
To	06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From	81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To	81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

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From	37--2-1000-0100	Council Reserve	3,800.00
To	38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***WORTHDALE COMMUNITY CENTER - BIDS AWARD TO HAROLD WILLIAMS CONSTRUCTION, AAA ELECTRIC, W. T. PAGE ELECTRIC AND METRO AIR CONDITIONING - FUNDS APPROPRIATED

Bids were received on June 27, 1985, and July 16, 1985, for this project. A copy of the bid tabulations are in the Agenda packet.

Recommendation: That the following contracts be awarded:

General Construction	
Harold Williams Construction Base bid less alternate 2	$179,782
Plumbing	
AAA Electric Company	10,023
Electrical	
W. T. Page Electrical Company	9,995
HVAC	
Metro Air Conditioning, Inc.	7,170
	$206,970

The Agenda outlined the appropriate budget transfers that are needed if the bids are awarded.

Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and

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From 38-2-3510-0100	Worthdale Center	7,170.00
To 38-2-3510-0107	Worthdale Center - HVAC	7,170.00
Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.		
From 06-2-7100-0002	Contingency	46,900.00
To 06-2-7050-0736	Terra Gator	2,105.00
To 06-2-7050-0620	Sludge Disposer	44,795.00
Purpose: To cover cost of two new terra gators.		
From 81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To 81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00
Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.		
From 01-2-1040-0001	Contingency	1,600.00
To 01-2-6000-0231	Travel	1,600.00
Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director		
From 01-2-1040-0001	Contingency	3,000.00
To 01-2-1100-0265	Other Services	3,000.00
Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.		
From 01-2-1200-0230	Motor Vehicle M&O	1,080.00
To 01-2-1200-0237	Car Rental	1,080.00
Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.		
From 35-2-1000-0100	Council Reserve	21,000.00
To 35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To 35-2-3000-0103	Leadmine Rel. ROW	5,000.00
Purpose: Funds to pay for relocation of Leadmine Road.		
From 38-2-3040-0100	Green Road	3,700.00
To 38-2-3040-0108	Green Rd. Interior Paint.	3,700.00
Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.		

From 37-2-1000-0100	Council Reserve	4,172.56	
To 38-2-2040-0102	Millbrook Exchange Pool B	4,172.56	

Purpose: Increasing design services fee for pool.

From 37--2-1000-0100	Council Reserve	3,800.00	
To 38-2-2040-0104	Millbrook Exchange Pool D	3,800.00	

Purpose: To supplement account for misc. expenses for construction of pool.

From 34-2-3930-0100	City Market	320,000.00	
To 34-2-3930-0101	City Market Land	320,000.00	

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***WASTEWATER TREATMENT PLAN - SLUDGE DISPOSAL UNITS - BID AWARDED TO AG-CHEM EQUIPMENT COMPANY - FUND APPROPRIATED

Bids were received for the purchase of two sludge disposal units. This is a single source supplier and the bid submitted by AG-Chem Equipment Company was $251,900. This includes the trading in of a unit which was substantially damaged in a wreck of the unit on June 24, 1985. The damage from this accident reduced the trade-in value and the bid exceeds the budget by $46,900.

Recommendation: That the bid be excepted and appropriate funds transferred as outlined on the Agenda. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 355.30
To 01-2-1030-0211	Add. Court Cost	355.30

Purpose: To purchase transcript in Civil Service Case - James Giles.

From 18-2-1000-0001	Amusement Reserve	3,151.19
To 18-2-1000-0712	Timing Console	3,151.19

Purpose: To purchase new timing console for Optimist Pool.

From 38-2-3340-0100	Sanderford Road	143,902.00
To 38-2-3340-0101	Sanderford Road (General)	143,902.00

Purpose: To establish account for general construction at Sanderford Road Park.

From 38-2-3340-0100	Sanderford Road	37,198.00
From 37-2-1000-0100	Council Reserve	2,202.00
To 38-2-3340-0105	Sanderford Road (Elec.)	39,400.00

Purpose: Establish account for electrical contract for Sanderford Road Park construction project.

From 38-2-3510-0100	Worthdale Center	179,782.00
To 38-2-3510-0101	Worthdale Center Gen.	179,782.00

Purpose: Establish account for general construction, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	10,023.00
To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00

Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	9,995.00
To 38-2-3510-0106	Worthdale Center - Electrical	9,995.00

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	7,170.00
To 38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From 06-2-7100-0002	Contingency	46,900.00
To 06-2-7050-0736	Terra Gator	2,105.00
To 06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From	81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To	81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From	01-2-1040-0001	Contingency	1,600.00
To	01-2-6000-0231	Travel	1,600.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

From	01-2-1040-0001	Contingency	3,000.00
To	01-2-1100-0265	Other Services	3,000.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

From	01-2-1200-0230	Motor Vehicle M&O	1,080.00
To	01-2-1200-0237	Car Rental	1,080.00

Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

From	35-2-1000-0100	Council Reserve	21,000.00
To	35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To	35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

From	38-2-3040-0100	Green Road	3,700.00
To	38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

From	37-2-1000-0100	Council Reserve	4,172.56
To	38-2-2040-0102	Millbrook Exchange Pool B	4,172.56

Purpose: Increasing design services fee for pool.

From	37--2-1000-0100	Council Reserve	3,800.00
To	38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***WATER TREATMENT PLANT - 1250 HP ELECTRIC MOTOR - BID REJECTED

During the spring, the staff was having trouble keeping a 25 mgd raw water pump in service. At that time, it was unclear whether major repairs would resolve the problem. The repairs were undertaken and at the same time bids for a replacement unit were solicited. The unit has now been repaired and the unit is operating in an acceptable manner.

Recommendation: That the bid for a new 1250 HP electric motor be rejected. Consent Agenda approval Cates/Babb 8 ayes.

***CRABTREE SANITARY SEWER OUTFALL PROJECT - CONTACT WITH EZRA MEIR APPROVED - FUNDS APPROPRIATED

There is a need for special soils investigation analysis on this project. The firm of Ezra Meir Associates is proposed for this work.

Recommendation: That the Council approved the firm of Ezra Meir Associates for the subsurface investigation on this project at a few not to exceed $5,000 and that the appropriate budget transfer as outlined on the Agenda be upheld. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

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Purpose: To purchase transcript in Civil Service Case - James Giles.

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To 18-2-1000-0712	Timing Console	3,151.19	

Purpose: To purchase new timing console for Optimist Pool.

From 38-2-3340-0100	Sanderford Road	143,902.00	
To 38-2-3340-0101	Sanderford Road (General)	143,902.00	

Purpose: To establish account for general construction at Sanderford Road Park.

From 38-2-3340-0100	Sanderford Road	37,198.00	
From 37-2-1000-0100	Council Reserve	2,202.00	
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Purpose: Establish account for electrical contract for Sanderford Road Park construction project.

From 38-2-3510-0100	Worthdale Center	179,782.00	
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Purpose: Establish account for general construction, expansion of Worthdale Community Center.

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To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00	

Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	9,995.00	
To 38-2-3510-0106	Worthdale Center - Electrical	9,995.00	

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	7,170.00	
To 38-2-3510-0107	Worthdale Center - HVAC	7,170.00	

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

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Purpose: To cover cost of two new terra gators.

From 81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00	
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Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From 01-2-1040-0001	Contingency	1,600.00	
To 01-2-6000-0231	Travel	1,600.00	

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director.

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To 01-2-1100-0265	Other Services	3,000.00	

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

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Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

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To 35-2-3000-0101	Leadmine Rel. Const.	16,000.00	
To 35-2-3000-0103	Leadmine Rel. ROW	5,000.00	

Purpose: Funds to pay for relocation of Leadmine Road.

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To 38-2-3040-0108	Green Rd. Interior Paint.	3,700.00	

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

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Purpose: Increasing design services fee for pool.

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Purpose: To supplement account for misc. expenses for construction of pool.

From 34-2-3930-0100	City Market	320,000.00	
To 34-2-3930-0101	City Market Land	320,000.00	

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***ROAD RACE - CAROLINA VELO CLUB - APPROVED

Mr. Robert S. Ray, representing the Carolina Velo Club, requests permission from the City Council to conduct a bicycle race on August 10, 1985, from 6 to 8 p.m. The race

will start on Leigh Drive at Green Road and proceed north to Spring Forest, east to Leigh Drive, south on Leigh Drive to Green Road and continue this route for 30 laps. A map was included in the Agenda packet.

Recommendation: That this bicycle race be approved provided the sponsors provide necessary signs and barricades and provided they also employ one off-duty police officer and furnish three civilian safety monitors with safety vests. Consent Agenda approval Cates/Babb - 8 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING TO BE PLACED ON SEPTEMBER 3, 1985 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code.

Avery Donald Lee, Airline Cab Company (Renewal of Individual Owner's Permit)

Recommendation: That the application for the taxicab permit be approved with the understanding the application would be placed on the Council Agenda for September 3, 1985, for second and final consideration. Consent Agenda approval Cates/Babb - 8 ayes.

***BUDGET AMENDMENTS - VARIOUS - ORDINANCE ADOPTED

The Agenda presented the following budget amendments: Parks and Recreation Department - $25,000 relating to Senior Citizens program with it being pointed out the participants pay for trips so City funds are not involved. The number of people participating in the scope of tours are greater than anticipated; Police Department - $4,746.31 relating to operating funds for expenses incurred by Police Department sponsored Youth Athletic program.

Recommendation: That the budget amendments as outlined be authorized. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 618

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget Ordinance be amended as follows to reflect Volunteer Fire Department Contract - Brier Creek/State Property annexation:

Revenue:	01-1-0010-0115	Fire Protec. Reimb.	$16,417.00
	01-1-0000-0101	Current Tax Levy	35,392.00
Expense:	01-2-4130-0265	Fire Contract Services	$22,147.00
	01-2-1040-0001	Council Contingency	29,662.00

Section 2. That the Budget Ordinance be amended as follows to appropriate the collection of the monetary penalties received for failure to correct violations of soil erosion and sedimentation measures:

Revenue:	01-1-0070-0200	Miscellaneous	$ 3,000.00
Expense:	01-2-1240-0282	School Training	3,000.00

Section 3. That the Budget Ordinance be amended as follows to provide participants in Sr. Citizens program to take tours:

Revenue:	19-2-8030-0001	Trips, Fees, Etc.	$25,000.00
Expense:	19-2-9030-0200	Trips	25,000.00

Section 4. That the Budget Ordinance be amended as follows to provide operating funds for expenses incurred by Police Department sponsored Youth Athletic Programs:

Revenue:	19-1-8500-0101	Police Summer Basketball	$ 4,746.31
Expense:	19-2-8500-0100	Police Summer Basketball Misc.	4,746.31

Adopted: 8/6/85

***CIVIC CENTER - ITEMS OF INFORMATION - RECEIVED

Approval has been granted for rent-free use of the Civic Center on Thursday, October 31, 1985, for the Retired Senior Volunteer Program's (RSVP) 12th Annual Recognition Luncheon for its volunteers. Approval has been granted for the rent-free use of the

Civic Center on Thursday, August 29, 1985, from 11:45 a.m. to 1:15 p.m. for the VIP Room and the adjoining Room A for the Raleigh Economic Development Round Table general membership meeting.

The informational items were received without comment.

***CONDEMNATION - GORMAN STREET, MOORE SQUARE - RESOLUTIONS ADOPTED

Efforts have been unsuccessful to obtain needed rights-of-way, therefore, we are recommending that resolutions of condemnation be authorized:

a. Name(s) - Leon M. Hollingsworth and wife, Rose S. Hollingsworth
Robinson O. Everett and wife, Linda M. Everett

Site Location - Tax Map 522 Lots 8 and 9 Method - 2600 Ligon Street

Project Name - Proposed Gorman Street Extension

b. Name(s) - G. S. Tucker and wife, Sue Tucker Briggs

Site Location - 112-114 East Hargett Street (rear portion only), identified on Map A-21 as Block 47, Lot 20

Project Name - Moore Square West Transit Block

c. Name(s) - Bertha E. Pompey

Site Location - 219 S. Wilmington Street (rear portion only)

Project Name - Moore Square West Transit Block, identified on Map A-21 as Block 47, Lot 10

d. Name(s) - Howard E. Manning, Sr., Trustee, Gavin, H. Dortch, Jr., and wife, Dorothy C. Dortch

Site Location - 221 South Wilmington Street, identified on Map A-21 as Block 47, Lot 9

Project Name - Moore Square West Transit Block

Consent Agenda approval Cates/Babb - 8 ayes. See Resolutions 898, 899, 900 and 901 (See Page _____).

***NEUSE RIVER RAW WATER PUMP STATION IMPROVEMENTS - CHANGE ORDER #2 - MANAGER'S ACTION CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order #2 - J. W. Campbell Electric Corporation relating to the Neuse River raw water pump station improvements. The change order is due to the general contractor delaying progress of the electrical work, therefore, J. W. Campbell is due a time extension for their work of an additional 365 days. No funds are involved.

Recommendation: Concurrence with the Manager's action on the Administrative transfer is recommended. Consent Agenda approval Cates/Babb - 8 ayes.

***MUNICIPAL BUILDINGS - ASBESTOS REMOVAL - CHANGE ORDER #G-2 - MANAGER'S ACTIONS UPHELD

The Agenda presented Change Order #G-2 - Harriss and Moore, Inc., relating to asbestos removal in Municipal Buildings. The change order is a decrease of $386 and is due to the non-requirement of reinsulation of hot water tank at Fire Station 8 because a new water tank is being installed. The City Manager has administratively approved this change order.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval Cates/Babb - 8 ayes.

***WS 1984-1 - ATLANTIC AVENUE/MILLBROOK ROAD - CHANGE ORDER #3 - APPROVED - FUNDS APPROPRIATE

The Agenda presented Change Order #3 - Dellinger, Inc., relating to Atlantic Avenue and Millbrook Road. The change order is for addition of $10,442.84 and relates to changes of the installation of sewer services and changes to hydrant installation as well as to reflect final as built quantities. The Agenda also outlined a budget transfer that should be approved if the change order is approved.

Recommendation: Approval of the change order and transfer as outlined in the Agenda is recommended. Consent Agenda approval Cates/Babb - 8 ayes.

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Purpose: To purchase new timing console for Optimist Pool.		
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To 38-2-3340-0101	Sanderford Road (General)	143,902.00
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Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.		
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To	35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

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To	38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

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Purpose: Increasing design services fee for pool.

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Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***TRANSFER - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council members received in their Agenda packet a list of Administrative transfers which have been authorized by the City Manager according to Council policy. The transfers are as follows:

From:	01-2-1040-0001	Council Contingency	$613.30
To:	01-2-1220-0265	Other Services	613.30
From:	44-2-2000-0239	McLaurin Reimb.-Oper.	525.39
To:	44-2-2000-0700	McLaurin Reim.	525.39
From:	43-2-2080-0100	Contingency	600.00
To:	43-2-2090-0261	Legal Retainer	600.00
From:	43-2-3010-0228	Post. & Telephone	100.00
To:	43-2-3010-0231	Travel	100.00
From:	18-2-0800-0260	Office & Other Supplies	139.95
To:	18-2-0800-0718	Telephone	139.95
From:	81-2-2110-0103	Crabtree Creek Sewer-C	742.13
To:	81-2-2110-0104	Crabtree Creek Sewer-D	742.13
From:	38-2-2030-0103	Land Acquisition	742.13
To:	38-2-2030-0104	Lake Johnson/E. Raleigh Pool D	742.13
From:	01-2-5020-0260	Office & Other Supplies	788.25
To:	01-2-5020-0717	Misc. Capital Items	788.25
From:	02-2-4490-0228	Communications	4.00
To:	02-2-4490-0226	Equipment Repair	4.00
From:	01-2-1040-0001	Council Contingency	863.00
To:	01-2-4130-0265	Other Services	863.00
From:	19-2-8030-0260	Office &.Other Supplies	900.00
To:	19-2-8030-0200	Trips	900.00
From:	01-2-1040-0001	Council Contingency	500.00
To:	01-2-1040-0501	Indirect Cost Allocation	500.00
From:	01-2-1040-0001	Council Contingency	900.00
To:	01-2-6000-0231	Travel	900.00
From:	01-2-1040-0001	Council Contingency	900.00
To:	01-2-1100-0265	Other Services	900.00
From:	01-2-1040-0001	Council Contingency	900.00
To:	01-2-1100-0265	Other Services	900.00

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval Cates/Babb - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented transfers in the departments of the City Manager, Engineering and Parks and Recreation for purposes as stated therein.

Recommendation: That the transfers as outlined on the Agenda be upheld. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 355.30
To 01-2-1030-0211	Add. Court Cost	355.30

Purpose: To purchase transcript in Civil Service Case - James Giles.

From 18-2-1000-0001	Amusement Reserve	3,151.19
To 18-2-1000-0712	Timing Console	3,151.19

Purpose: To purchase new timing console for Optimist Pool.

From 38-2-3340-0100	Sanderford Road	143,902.00
To 38-2-3340-0101	Sanderford Road (General)	143,902.00

Purpose: To establish account for general construction at Sanderford Road Park.

From 38-2-3340-0100	Sanderford Road	37,198.00
From 37-2-1000-0100	Council Reserve	2,202.00
To 38-2-3340-0105	Sanderford Road (Elec.)	39,400.00

Purpose: Establish account for electrical contract for Sanderford Road Park construction project.

From 38-2-3510-0100	Worthdale Center	179,782.00
To 38-2-3510-0101	Worthdale Center Gen.	179,782.00

Purpose: Establish account for general construction, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	10,023.00
To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00

Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	9,995.00
To 38-2-3510-0106	Worthdale Center - Electrical	9,995.00

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From 38-2-3510-0100	Worthdale Center	7,170.00
To 38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From 06-2-7100-0002	Contingency	46,900.00
To 06-2-7050-0736	Terra Gator	2,105.00
To 06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From 81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To 81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From 01-2-1040-0001	Contingency	1,600.00
To 01-2-6000-0231	Travel	1,600.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

From 01-2-1040-0001	Contingency	3,000.00
To 01-2-1100-0265	Other Services	3,000.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

From 01-2-1200-0230	Motor Vehicle M&O	1,080.00
To 01-2-1200-0237	Car Rental	1,080.00

Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

From 35-2-1000-0100	Council Reserve	21,000.00
To 35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To 35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

From	38-2-3040-0100	Green Road	3,700.00
To	38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

From	37-2-1000-0100	Council Reserve	4,172.56
To	38-2-2040-0102	Millbrook Exchange Pool B	4,172.56

Purpose: Increasing design services fee for pool.

From	37--2-1000-0100	Council Reserve	3,800.00
To	38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00.

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***BID REQUEST 85-10 - 8,580 FEET OF 8-INCH SEWER PIPE - BID AWARDED TO PUMP AND LIGHTING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 24 1985, for 8,580 feet of 8-inch sewer pipe with results as follows: Pump and Lighting Company - $13,590.72; Ferguson Enterprises - $13,621.60; The Poe Corporation - $13,642.20; Noland Company - $13,815; Davis Meter and Supply Company, Inc. - $13,985.40.

Recommendation: That the bids submitted by Pump and Lighting Company be awarded. Consent Agenda approval Cates/Babb - 8 ayes.

***BID REQUEST 85-11 - GATE VALVES - BID AWARDED TO ITT GRINNELL CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 24 1985, for Gate Valves with results as follows: ITT Grinnell Corporation - $16,691.40; Pump and Lighting Company - $17,733.40; Pyco Supply Company - $18,062; Poe Corporation - $18,629; Davis Meter and Supply Company - $19,670.

Recommendation: That the low bid submitted by ITT Grinnell Corporation be awarded. Consent Agenda approval Cates/Babb - 8 ayes.

***BID REQUEST 85-12 - SAFETY SHOES - BIDS AWARDED TO AIRWELD, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 24 1985, for annual price agreement for August 1985 through August 1986 for approximately 800 pairs of safety shoes with results as follows: Airweld, Inc. - $29,160; Saf-gard Safety Shoe Company, Inc. - $30,800; W. E. Burroughs Company, Inc. - $30,900.

Recommendation: That the low bid submitted by Airweld, Inc., be awarded. Consent Agenda approval Cates/Babb - 8 ayes.

***BID REQUEST 85-14 - TWO VACUUM LEAF MACHINES - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 24 1985, for two vacuum leaf machines less trade with results as follows: North Carolina Equipment Company - $28,150; E. F. Craven Company - $28,715.30.

Recommendation: That the low bid submitted by North Carolina Equipment Company be awarded. Consent Agenda approval Cates/Babb - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented changes in the traffic code relating to no parking on Latta, stop sign installation on Calvary Drive at Hargrove Road, Nikole Court at Summerland Drive, Shellburne Drive at Summerland Drive and Villa Green Court at Shellburne Drive.

Recommendation: That the traffic changes as outlined on the Agenda be approved. Consent Agenda approval Cates/Babb - 8 ayes.

ORDINANCE NO. (1985) 620

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Calvary Drive at Hargrove Road
West Johnson Street at Park Drive West
Nikole Court at Summerland Drive

Park Drive, eastbound, at Park Drive West
Park Drive West, northbound, at College Place
Shellburne Drive at Summerland Drive
Villa Green Court at Shellburne Drive

Section 2. That Traffic Schedule 5A3 entitled "40 MPH SPEED ZONES" be amended by adding the following:

Avent Ferry Road from Western Boulevard to Athens Drive

Amend said Schedule further by deleting the following:

Avent Ferry Road in its entirety

Section 3. That Traffic Schedule 13 entitled "NO PARKING" be amended by adding the following:

Latta Street, both sides, in its entirety, 9:00 a.m. to 5:00 p.m., Monday through Friday
McDonald Lane, east side, from Oberlin Road to Colonial Drive

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective August 13, 1985.

Adopted: 8/6/85

Effective: 8/13/85

END OF CONSENT AGENDA

***FRIENDSHIP FORCE - TEMPORARY OFFICE SPACE - APPROVED WITH STIPULATIONS

The Friendship Force Program needs a small office and has approached the City. While the City Administration has very little unused office space, it was determined that a small office on the third floor of the 110 Municipal Building could be made available for one year.

Recommendation: That the City allow the Friendship Force to use the office in Suite 305 for a single person office with the following stipulations:

a. Use for up to one year beginning September 1, 1985;

b. Friendship Force responsible for all moving costs, installation of telephone, and monthly telephone costs; and,

c. Friendship Force shall be responsible for all damage to City property beyond normal wear and tear.

Ms. Block indicated she withdrew this item as this is giving space for essentially a private organization. She indicated the Friendship Force has done a lot of good things for Raleigh and the State but she feels this is precedent setting and will bring in dozens of requests for similar office space that the City of Raleigh does not have, therefore, she would move that this request be denied. Her motion was seconded by Ms. Cates. Mr. Walters pointed out this isn't the state Friendship Force this is Raleigh's volunteers explaining it is on a temporary basis. He stated he sees nothing wrong as a matter of fact, it was his request that the City Manager provide the office space as he thought it was the Manager's prerogative to approve something like this and he thought it was on the Agenda for information. He indicated maybe the Council should have had additional information. Ms. Babb indicated she felt that this should be approved pointing out she is pleased to see the City's involvement in the International Festival; therefore, she would make a substitute motion to approve this. Her substitute motion was seconded by Mr. Walters. Discussion took place as to whether this involved the International Festival with Mr. Walters pointing out it does not. He explained the State was providing space for the Raleigh Friendship Force and they moved their office, therefore, this is space just for the Raleigh volunteers. He stated he did not see it as setting a precedent. Ms. Cates explained that her concern stems from several meetings she attended relative to the use of the buildings at Fletcher Park. She explained there are approximately 30 groups asking for office space. She pointed out however, this is a temporary situation. The substitute motion was put to vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

***ROOF REPAIRS - CONSULTANT SERVICES - REFERRED TO ADMINISTRATION

The City has an active roof repair program in the Parks Department and in the Fire Department. Consulting services are needed to coordinate repair contracts in the Parks Department and to undertake a site analysis of each fire station to determine the type of work to be done.

Recommendation: That the Council approve a service agreement with Stan Caton for:

a. $12,000 for design and supervision of the Parks 1985-86 roof repair projects; and,

b. $4,600 for roof evaluation study of all Fire Department buildings.

Ms. Block explained that she withdrew this item from the Consent Agenda as she thought we had gone through it before. She stated she thought we had had an analysis done on all of the roofs and she doesn't understand why we have to do it again. City Manager Benton explained the work that had been done before relative to analysis of the roofs in the Parks Department. He indicated that analysis did provide us with the conditions and problems of all of the roofs and this is the second year we have been involved in this project. He indicated this portion of the consultant service would provide us with help in designing specifications in order to bid the work to have the roof repairs done. He stated we do not have anyone on staff with the expertise to do the specifications. He explained in addition this would be the first step analyzing the roofs of our fire department buildings. Ms. Block questioned if $12,000 was a reasonable fee with City Manager Benton indicating that could be a point of negotiation. He explained this is an architectural firm but is a firm that has practical expertise in roof repairs. Ms. Block indicated she would like for this item to be referred back to Administration for review to see if we can get the work done more economically. Without objections, the item was referred back to Administration.

***BUDGET AMENDMENT - INSPECTIONS DEPARTMENT - AUTHORIZED

The Agenda presented a $300,000 budget amendment in the Inspections Department to appropriate the collection of the monetary penalties received for failure to correct violations of soil erosion and sedimentation measures as stated in Section 10-5013 of the City Code. The expense account is entitled School Training. Ms. Block indicated she pulled this from the Agenda questioning is this State law that this money go to the school system. City Manager Benton indicated this is a schooling program for our staff people. Ms. Block moved approval of the budget amendment as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 618

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget Ordinance be amended as follows to reflect Volunteer Fire Department Contract - Brier Creek/State Property annexation:

Revenue:	01-1-0010-0115	Fire Protec. Reimb.	$16,417.00
	01-1-0000-0101	Current Tax Levy	35,392.00
Expense:	01-2-4130-0265	Fire Contract Services	$22,147.00
	01-2-1040-0001	Council Contingency	29,662.00

Section 2. That the Budget Ordinance be amended as follows to appropriate the collection of the monetary penalties received for failure to correct violations of soil erosion and sedimentation measures:

Revenue:	01-1-0070-0200	Miscellaneous	$ 3,000.00
Expense:	01-2-1240-0282	School Training	3,000.00

Section 3. That the Budget Ordinance be amended as follows to provide participants in Sr. Citizens program to take tours:

Revenue:	19-2-8030-0001	Trips, Fees, Etc.	$25,000.00
Expense:	19-2-9030-0200	Trips	25,000.00

Section 4. That the Budget Ordinance be amended as follows to provide operating funds for expenses incurred by Police Department sponsored Youth Athletic Programs:

Revenue:	19-1-8500-0101	Police Summer Basketball	$ 4,746.31
Expense:	19-2-8500-0100	Police Summer Basketball Misc.	4,746.31

Adopted: 8/6/85

***TRANSFER - LEADMINE RELOCATION - APPROVED; CLOSING AND NAME - ADMINISTRATION TO PROVIDE REPORT

The Agenda outlined a transfer in the Engineering Department in the amount of $21,000 to provide funds to pay for the relocation of Leadmine Road. Mr. Congleton indicated

this item had come up before the Council previously and some questions had surfaced from the residents in that they were not aware of the relocation. He stated he thought that there may be some alternatives we could look at and asked if this could be sent to the City Manager for a report back to Council. City Manager Benton indicated the City Council previously approved the concept of the City's participation in this project. He stated this involved the new alignment of Leadmine Road north of Sawmill Road. He indicated the closing of the old portion is another question and he is not sure holding this transfer up would answer those questions. Mr. Congleton questioned if we had committed to a name for the new road with Mayor Upchurch indicating no name has been placed on this road. Brief discussion took place after which Mr. Congleton moved approval of the transfer for funds for the relocation of the new road and refer to Administration to come back to the September meeting after they had met with the property owners and developers to try to work out some acceptable resolution to the matter. His motion was seconded by Mr. Walters. City Manager indicated it had been his opinion that the old right-ofway would be closed. Ms. Cates pointed out when we change the name of a road or close a right-of-way, we would have to go through public hearing with City Manager Benton indicating that is true. The motion as stated was put to a vote and passed unanimously. Mr. Congleton pointed out the City Manager indicated there had been some understandings and agreements. Therefore, he would like to have a synopsis of the events that have occurred on the relocation of Leadmine Road. Administration was asked to provide the report.

***SPEED LIMITS - AVENT FERRY ROAD - REDUCED; ADMINISTRATION TO LOOK AT ALTERNATIVES TO IMPROVE SAFETY

The Department of Transportation recommends that the speed limit on Avent Ferry Road, from Athens Drive to the southern corporate limits, be reduced from 40 mph to 35 mph. Avent Ferry Road is presently 40 mph in its entirety. The section south of Athens Drive is two lanes with several horizontal curves. Reducing the speed limit will improve safety. The NCDOT concurs in this proposal.

Ms. Block indicated she pulled this item from the Consent Agenda stating she has no problem with the recommendation. She pointed out, however, there has been another fatal accident in this curve. Therefore, she would move that Administration's recommendation on the speed limit be upheld and Administration be asked to look at whatever can be done such as installation of flashing lights on the curve and widening of the shoulders to help lessen the danger to those people who insist on breaking the law. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 620

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Calvary Drive at Hargrove Road
West Johnson Street at Park Drive West
Nikole Court at Summerland Drive
Park Drive, eastbound, at Park Drive West
Park Drive West, northbound, at College Place
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Villa Green Court at Shellburne Drive

Section 2. That Traffic Schedule 5A3 entitled "40 MPH SPEED ZONES" be amended by adding the following:

Avent Ferry Road from Western Boulevard to Athens Drive

Amend said Schedule further by deleting the following:

Avent Ferry Road in its entirety

Section 3. That Traffic Schedule 13 entitled "NO PARKING" be amended by adding the following:

Latta Street, both sides, in its entirety, 9:00 a.m. to 5:00 p.m., Monday through Friday
McDonald Lane, east side, from Oberlin Road to Colonial Drive

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective August 13, 1985.

Adopted: 8/6/85

Effective: 8/13/85

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. It was pointed out that the Agenda had designated those areas that are located within the Falls Basin or within flood prone areas. Mr. Congleton requested that CR-5688 (TC-19-85) be withdraw. Mr. Walters requested CR-5666 (S-121-85), CR-5685 (TC-7-85) and CR-5698 (Z-85-85) be withdrawn. Without objections, these items were withdrawn. Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SUBDIVISION S-67-85 - DEMAIN PROPERTY - APPROVED

This was a request for approval to subdivide 2.08 acres which are currently undeveloped and zoned Rural Residential into two lots, approximately 1.04 acres each. The property is located on the northeast corner of Bayleaf Drive and Six Forks Road (within the Falls Watershed Basin), outside the City Limits.

CR-5486 from the Planning Commission recommended that this request be denied according to a map entitled, "DeMain Property," the property of Robert DeMain, drawn by Robert T. Newcomb, dated January, 1985. Consent Agenda approval Walters/Babb - 8 ayes.

***SUBDIVISION S-33-85 - WENDY'S - NORTH BOULEVARD - APPROVED

This was a request for approval to add a 240 square foot storage facility to an existing structure on a 47,416 square foot tract, zoned Shopping Center. The property is located at the northeast corner of the intersection of North Boulevard (US 1) and New Hope Road, outside the City Limits.

CR-5672 from the Planning Commission recommended that this request be approved according to a map entitled, "Wendy's, Community Planning Associates, Inc.," the property of Wenco Management Company, submitted by A. Thomas Anderson, dated June 20, 1985. Consent Agenda approval Walters/Babb - 8 ayes.

***SC-36-85 - THE CLOCKTOWER - AMENDMENT TO TOWNRIDGE SQUARE SHOPPING CENTER - APPROVED

This was a request for approval to modify an existing plan (SC-91) for buildings on an out parcel of the shopping center, zoned Industrial-I; approval of a revised sign criteria for the Townridge Shopping Center, which clarifies that a freestanding sign is allowed on this tract; and, approval of a freestanding sign on this tract. The building size is being increased from 4,842 square feet to 12,986 square feet. The property is located on US 70, west of Pleasant Valley Road, inside the City Limits.

CR-5673 from the Planning Commission recommended that this request be approved according to a map entitled, "The Clocktower," the property of Zeisler Morgan Properties, drawn by Castleberry-Edgerton Company, dated January 25, 1985. Consent Agenda approval Walters/Babb - 8 ayes.

***SUBDIVISION S-110-85 - SHELDON DRIVE PHASE 2 - APPROVED WITH CONDITION

This was a request for approval to subdivide a 4.02 acre tract, zoned Residential-20, into 12 lots. The property is located on the south side of Sheldon Drive, south of Rush Street and west of Garner Road, inside the City Limits.

CR-5674 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Subdivision for Sheldon Drive, Phase 2, Sheldon Drive, Raleigh, North Carolina," the property of Bragg and Associates, submitted by Envirotek, Incorporated, revised date, July 2, 1985, with the condition that no more than 74 dwelling units may derive access from the Boone Trail cul-de-sac. Consent Agenda approval Walters/Babb - 8 ayes.

***SUBDIVISION S-115-85 - BEACON PLAZA PROPERTY - APPROVED WITH CONDITION

This was a request for approval to subdivide a 70.3 acre tract, zoned Conservation/Buffer, Residential-6, Residential-10, Thoroughfare District, and Industrial-I into 10 lots. The property is located on the north side of US 64, just west of New Hope Road, outside the City Limits.

CR-5675 from the Planning Commission recommended that this request be approved according to a map entitled, "Beacon Plaza Property, US 64 and New Hope Road, Raleigh, North Carolina," the property of Lincoln Commercial Properties, submitted by Envirotek, Incorporated, revised July 17, 1985, with the condition that no access to Lots 1, 2, 3, 4, 5, and 6 be provided directly from US 64. Consent Agenda approval Walters/Babb - 8 ayes.

***CP-4-85 - ADDITION OF WAKETOWNE DRIVE - APPROVED - RESOLUTION ADOPTED

This was a request for approval to amend the Collector Street Plan to include Waketowne Drive as a collector street in the Major Street Plan of the Comprehensive Plan of the City of Raleigh.

CR-5676 from the Planning Commission recommended that CP-4-85 be approved according to the resolution and map attached to CR-5676. Consent Agenda approval Walters/Babb - 8 ayes.

RESOLUTION NO. (1985) 902

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-4-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Waketowne Drive area, revision to the Collector Street Plan is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Collector Street Plan of the Comprehensive Plan be amended by including Waketowne Drive as a collector street in the attached amendment number CP-4-85.

Adopted: 8/6/85

***CP-5-85 - LEWIS CIRCLE/CHESTER ROAD - DELETION FROM COLLECTOR PLAN - RESOLUTION ADOPTED

This was a request for approval to amend the Collector Street Plan of the University Planning District to include the deletion of Lewis Circle and Chester Road as collector streets from the Major Street Plan of the Comprehensive Plan of the City of Raleigh.

CR-5677 from the Planning Commission recommended that CP-5-85 be approved according to the resolution and map attached to CR-5677. Consent Agenda approval Walters/Babb - 8 ayes.

RESOLUTION NO. (1985) 903

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-5-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to the City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Lewis Circle and Chester Road area, revision to the Collector Street Plan is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Collector Street Plan of the Comprehensive Plan be amended by the deletion of Lewis Circle and Chester Road as collector streets in the attached amendment number CP-5-85.

Adopted: 8/6/85

***CP-6-85 - SLEEPY HOLLOW DRIVE REMOVAL FROM COLLECTOR STREET PLAN - APPROVED - RESOLUTION ADOPTED

This was a request for approval to amend the Collector Street Plan to include the removal of the extension of Sleepy Hollow Drive as a collector street from the Major Street Plan of the Comprehensive Plan of the City of Raleigh.

CR-5678 from the Planning Commission recommended that CP-6-85 be approved according to the resolution and map attached to CR-5678. Consent Agenda approval Walters/Babb - 8 ayes.

RESOLUTION NO. (1985) 904

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-6-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to the City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Sleepy Hollow Drive area, revision to the Collector Street Plan is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Collector Street Plan of the Comprehensive Plan be amended by the deletion of Sleepy Hollow Drive as a collector street in the attached amendment number CP-6-85.

Adopted: 8/6/85

***TC-183 - RESIDENTIAL-5 DISTRICT - DENIED

This was a request for approval to amend the City Code to create a new zoning district to be known as the Residential-5 District which would permit up to five single-family or duplexes per acre, and townhouses and condominiums when approved as a planned unit development of ten acres or more.

CR-5679 from the Planning Commission recommended that TC-183 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-184 - RESIDENTIAL-8 DISTRICT - DENIED

This was a request for approval to amend the City Code to create a new zoning district to be known as the Residential-8 District which would permit up to eight single-family units, single-family dwellings with a utility apartment, the renting of a room or rooms to a maximum of two persons, townhouses and condominiums when approved as a planned unit development of ten acres or more, and duplexes.

CR-5680 from the Planning Commission recommended that TC-184 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-185 - VARIOUS SUBDIVISION CHANGES - DENIED

This was a request for approval to amend the Subdivision Ordinance to reduce minimum lot sizes and street rights-of-way, allow drainage ditches, increase the maximum cul-de-sac length, expand the non-curb and gutter streets to include minor residential streets, reduce the radius requirement on residential streets, and variances in the velocity of water in drainage swales.

CR-5681 from the Planning Commission recommended that TC-185 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-255 - COMMUNITY RETAIL DISTRICT - DENIED

This was a request for approval to create a new zoning classification, Community Retail District, to fall between the Office and Institution districts and the Buffer Commercial district.

CR-5682 from the Planning Commission recommended that TC-255 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-183 - RESIDENTIAL-5 DISTRICT - DENIED

This was a request for approval to amend the City Code to create a new zoning district to be known as the Residential-5 District which would permit up to five single-family or duplexes per acre, and townhouses and condominiums when approved as a planned unit development of ten acres or more.

CR-5679 from the Planning Commission recommended that TC-183 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-184 - RESIDENTIAL-8 DISTRICT - DENIED

This was a request for approval to amend the City Code to create a new zoning district to be known as the Residential-8 District which would permit up to eight single-family units, single-family dwellings with a utility apartment, the renting of a room or rooms to a maximum of two persons, townhouses and condominiums when approved as a planned unit development of ten acres or more, and duplexes.

CR-5680 from the Planning Commission recommended that TC-184 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-185 - VARIOUS SUBDIVISION CHANGES - DENIED

This was a request for approval to amend the Subdivision Ordinance to reduce minimum lot sizes and street rights-of-way, allow drainage ditches, increase the maximum cul-de-sac length, expand the non-curb and gutter streets to include minor residential streets, reduce the radius requirement on residential streets, and variances in the velocity of water in drainage swales.

CR-5681 from the Planning Commission recommended that TC-185 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-255 - COMMUNITY RETAIL DISTRICT - DENIED

This was a request for approval to create a new zoning classification, Community Retail District, to fall between the Office and Institution districts and the Buffer Commercial district.

CR-5682 from the Planning Commission recommended that TC-255 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***TC-6-85 - CLUSTER UNIT/CONDOMINIUM AND TOWNHOUSE PHASING - APPROVED AS AMENDED

This was a request for approval to amend the Subdivision Chapter of the City Code to require phase lines for cluster unit, condominium, and townhouse developments to be shown on preliminary subdivision plats. Each of these phases is to conform to the requirements of the City Code, but the proposal contains exceptions for densities and open space to facilitate phasing in conformance with overall zoning and open space requirements.

CR-5684 from the Planning Commission recommended that TC-6-85 be approved as amended, according to the ordinance attached to CR-5684. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 621 TC 244

AN ORDINANCE CONCERNING THE PHASING OF CLUSTER UNIT, CONDOMINIUM, AND TOWNHOUSE DEVELOPMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-3012(d) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(d) Within one year after the approval of the preliminary plat, the subdivider shall submit engineering plats or drawings of the total area or any sections or phases of the approved preliminary plat, after having completed an actual survey locating all points accurately on the ground. Developments approved under Article D of this chapter shall show sections or phases on the approved preliminary plat and all subsequent plats shall be in substantial conformity therewith. Failure to submit engineering plats or drawings within the specified time period shall automatically void the approved preliminary plat.".

Section 2. Subsection 10-3071(b)(8)c of the Raleigh City Code is hereby amended to add a new last paragraph which shall read as follows:

"During any period of time that recorded portions of a cluster unit development, including recombinations or annexations, if any, are less than twenty acres in the R-1 and R-4 districts or are less than ten acres in other districts, a restrictive covenant shall be placed on the remaining unrecorded portions of the approved cluster unit development. This covenant shall require any owner of the land to build in general conformity with the approved preliminary cluster unit development on file with the City of Raleigh Planning Department and that any owner annex the land into the existing cluster unit development. This covenant shall expire when the recorded portions of the cluster unit development, including recombination or annexations, if any, contain twenty acres or more in the R-1 and R-4 districts or contain ten acres or more in other districts.".

Section 3. Subsection 10-3071(b)(9)a of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"a. The entire project, including section or phase lines, and sequencing, receives approval with the preliminary plat. But nothing herein shall prohibit an unrecorded phase or section from containing inappropriate densities, setbacks, and off-street parking spaces, and open space provided any such phase or section at the time of its recordation is combined with other recorded phases or sections of the development so that the recombined properties conform to the density, setback, off-street parking, and open space requirements of this code.".

Section 4. Subsection 10-3071(b)(9)b. of the Raleigh City Code is repealed, rewritten and reenacted to read as follows:

"b. The number of dwelling units in the recorded section or phase conforms to the density requirements for the zoning district; in the recorded section or phase, the buildings are located so that all setbacks, including peripheral yards, are met, and off-street parking requirements for the developed portion are observed. The amount of open space in the recorded section or phase is not less than the land area of the recorded portion or one-hundredth (.01) of an acre per unit approved in that portion, whichever is greater. Any recorded portion shall conform to all the requirements of a legal lot.".

Section 5. Subsection 10-3071(b)(9)c. of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"c. The expenditures for required subdivision improvements in each phase or section bear a reasonable pro rata share to the entire development based on the number of dwelling units.".

Section 6. Subsection 10-3071(b)(9) of the Raleigh City Code is hereby amended to add a new subsection which shall read as follows:

"d. Any residual portion shall conform to all of the requirements of a legal lot.".

Section 7. Section 10-3072 of the Raleigh City Code is hereby amended to add a new subsection, 10-3072(c), which shall read as follows:

"(c) Phased development. Unit ownership (condominium) developments may be developed in phases provided that:

(1) The entire project, including phase or section lines, and sequencing receives approval with the preliminary plat. But nothing herein shall prohibit an unrecorded phase or section from containing inappropriate densities, setbacks, and off-street parking spaces, and open space provided any such phases or section at the time of its recordation is combined with other recorded phases or sections of the development so that the recombined properties conform to the density, setback, off-street parking, and open space requirements of this code.

(2) The number of dwelling units in the recorded section or phase conforms to the density requirements for the zoning district; in the recorded section or phase, the buildings are located so that all setbacks, including peripheral yards, are met, and off-street parking requirements for the developed portion are observed. The amount of open space in the recorded section or phase is not less than ten percent of the land area of the recorded portion or one-hundredth (.01) of an acre per unit approved in that portion, whichever is greater. Any recorded portion shall conform to all the requirements of a legal lot.

(3) The expenditures for required subdivision improvements in each phase or section bear a reasonable pro rata share to the entire development based on the number of dwelling units.".

(4) Any residual portion shall conform to all the requirements of a legal lot.

Section 8. Section 10-3073 of the Raleigh City Code is hereby amended to add a new section, 10-3073(4), which shall read as follows:

"(4) Phased development. Townhouse developments may be developed in sections or phases provided that:

a. The entire project, including phase or section lines, and sequencing receives approval with the preliminary plat. But nothing herein shall prohibit an unrecorded phase or section from containing inappropriate densities, setbacks, and off-street parking spaces and open space provided any such phase or section at the time of its recordation is combined with other recorded phases or sections of the development so that the recombined properties conform to the density, setback, off-street parking, and open space requirements of this code.

b. The number of dwelling units in the recorded section or phase conforms to the density requirements for the zoning district; in the recorded section or phase, the buildings are located so that all setbacks, including peripheral yards, are met, and off-street parking requirements for the developed portion are observed. The amount of open space in the recorded section or phase is not less than ten percent of the land area of the recorded portion or one-hundredth (.01) of an acre per unit approved in that portion shall conform to all the requirements of a legal lot.

c. The expenditures for required subdivision improvements in each phase or section bear a reasonable pro rata share to the entire development based on the number of dwelling units.

d. Any residual portion shall conform to all the requirements of a legal lot.

Section 9. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 11. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 12. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 13. This ordinance shall become effective five days following its adoption.

Section 14. This ordinance shall be recorded with the Wake County Register of Deeds as required by law.

Adopted: 8/6/85

Effective: 8/11/85

***TC-16-85 - AIRPORT OVERLAY DISTRICT - APPROVED AS AMENDED

This was a request for approval to create an Airport Overlay District to overlay existing zoning on properties within the jurisdiction of the City of Raleigh adjacent to the Raleigh-Durham Airport.

CR-5686 from the Planning Commission recommended that TC-16-85 be approved as amended, according to the ordinance attached to CR-5686. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 622 TC 245

AN ORDINANCE ESTABLISHING A NON-RESIDENTIAL OVERLAY AIRPORT ZONING DISTRICT.

WHEREAS, Article 4, Chapter 63 of the General Statutes authorizes the City of Raleigh to enact airport zoning regulations; and

WHEREAS, Chapter 49 of 1985 Session laws authorizes the City of Raleigh to establish overlay zoning districts; and

WHEREAS, the Raleigh corporate limits has been extended to include areas which are zoned by the county as an airport district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2011(15) of the Raleigh City Code as rewritten by Ordinance No. (1985) 600 TC 242, adopted July 2, 1985, is amended to add a new last subsection to the end thereof which shall read as follows:

"d. Airport District".

Section 2. Part 10 Chapter Two of the Raleigh City Code is hereby amended to add a new section 10-2050 which shall read as follows:

"Sec. 10-2050. Airport district regulations.

(a) Purpose. The airport district is established to accomplish without limitation the following purposes:

(1) Limit permitted land uses to industrial, office and institutional, commercial, agricultural, conservation or recreation uses which in contrast to dwelling and similar uses are better able to protect themselves from aircraft noises; and

(2) Ensure the attractiveness of City's gateway which will in turn contribute to and enhance trade, tourism, capital investment, property values, and the general welfare; and

(3) Enhance the efficiency, safety, convenience and enjoyment of major public streets and highways within an airport district overlay by controlling the type and design of land uses allowed thereon; and

(4) Protect the public from adverse health effects and annoyance by aircraft noises; and

(5) Protect the efficiency and long term usefulness of the significant public investments already made and programmed to be made in area aviation facilities.

(b) Airport Districts. The City of Raleigh hereby establishes the Raleigh-Durham Airport Overlay District which overlays other zoning districts, the extent and boundaries of which are indicated on the zoning maps for the City and its environs. The airport district now and may in the future overlay one or several different zoning classifications, and all uses permitted in any such district or districts, whether by right or as a

special use, shall be permitted in the airport district according to the procedures established for such uses, unless otherwise specified by this chapter. If there is any conflict between the regulations and restrictions required in the airport district and other City Code provisions, the more stringent provision shall apply.

(c) Prohibited Uses. The following uses shall be prohibited in the Raleigh-Durham Airport District:

(1) Dwelling units, rooming units, residential structures, including mobile homes; and

(2) Other residential or related uses to include but not be limited to daycare facilities, fraternities, sororities, rest homes, life care communities, congregate living facilities, shelter units, family care homes, group care facilities, guest houses, emergency shelters correctional penal institutions, public schools, private or parochial schools, churches, public or private colleges and universities, and hospitals and

(3) Petroleum refining and other similar uses which are prohibited because of their susceptibility to fire and explosions; and

(4) Above ground bulk storage of flammable and combustible liquids, explosives, hazardous materials and wastes to include gasoline or fuel oil distribution facilities, warehousing of explosives, and similar facilities or operations which could pose threats to the public health, safety and welfare in the event of aircraft crashes or mishaps; and

(5) Mining, quarries, or open landfills initiated after the application of this district.

(d) Location of buildings and parking areas. All buildings, including their off-street parking and loading areas, and all areas used for the temporary or permanent outdoor storage of any of the following: vehicles, equipment, mobile homes, boats, farm machinery, motorcycles, and recreational vehicles shall be located at least fifty (50) feet from the rights-of-way boundary of any thoroughfares, freeway, limited access road, or major access corridor, excluding public access roads parallel to these streets; provided that when a new right-of-way has been established, the setback shall be calculated from the newly established right-of-way line.

(e) Regulation of outside activities. The following uses are prohibited unless they are fully shielded with a permanent overhead cover:

(1) outdoor storage including without limitation: coal, ores, oxides, minerals, stone, sand, gravel, salt, earth, building supplies and materials, lawn care or farm products, seeds, feed, machinery, produce or grocery products, furniture, vehicle parts, and paper; and

(2) storage yard for wrecked, dismantled or partially dismantled automotive vehicles; and

(3) cool asphalt plants (bituminous concrete facilities) concrete and cement mixing plants.

(f) Lighting Regulations. All outdoor lighting shall be shielded in such a manner that no direct glare from the light can be seen from above. But this restriction shall not apply to publicly approved warning lights such as those installed in towers, buildings, trees, and structures to mark obstructions to aircraft.

(g) Roof tops. Roof tops shall be uniform in color and made of nonreflective material.

(h) Supplemental regulations. The current airspace regulations adopted by the Raleigh-Durham Airport Authority are incorporated herein by reference. Whenever said airspace regulations impose more stringent requirements or limitations than are required by this code, the provisions of the airspace regulations shall control; as for example, the Approach Plans which regulate height restrictions in and around the airport.".

Section 2. Subsection 10-2065.2(d) of the Raleigh City Code relating to illuminated signs is hereby amended to recodify provision 10-2065.2(d)(6) as 10-2065.2(d)(7) and to add a new provision to follow 10-2065.2(d)(5) which shall read as follows:

"(6) In any airport overlay district, all illuminated signs shall be shielded in such a manner that no director glare can be seen from above.".

Section 3. The first sentence of subsections 10-2073(c)(12) and (13) of the Raleigh City Code are hereby amended to insert immediately after the word "area" the following words: "except in an airport overlay district".

Section 4. The first sentence of subsections 10-2073(c)(18) and (21) of the Raleigh City Code are hereby amended to insert immediately after the word "districts" the following words: "except in an airport overlay district".

Section 5. The fourth sentence of subsection 10-2079(a) of the Raleigh City Code is hereby amended to change the period at the end thereof to a comma and to insert thereafter the following language: "but in any airport overlay district, the board shall also find that such replacement shall not create a greater hazard to air navigation.".

Section 6. The first sentence of subsection 10-2080(a) of the Raleigh City Code is hereby amended to change the period at the end thereof to a comma and to insert thereafter the following language: "and in the case of nonconformities located in an airport overlay district, the board shall also determine whether the proposed alteration, expansion, change, rebuilding, or resumption of the nonconformity will create a hazard to either air navigation or to the occupants or residents of the nonconformity.".

Section 7. The next to the last paragraph of subsection 10-2080(a) of the Raleigh City Code is hereby amended to change the period at the end of the second sentence to a comma and to insert thereafter the following language: "and the expansion shall otherwise conform to the requirements of this code.". Said paragraph is further amended to add a new last sentence and a state law reference which shall read as follows: "If the nonconformity is located in an airport overlay district, and it is more than eighty percent (80%) destroyed; demolished; deteriorated; or decayed, the board shall not issue a permit for its replacement or repair unless the nonconformity is brought into compliance with this code.

State law reference - Airport zoning regulations G.S. 63-32.".

Section 8. All ordinance and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 10. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or Article R Chapter 53 of the General Statutes or as provided in the Raleigh City Code.

Section 12. This ordinance shall become effective immediately upon its adoption.

ADOPTION: 8/6/85

EFFECTIVE: 8/6/85

***TC-18-85 - SERVICE FACILITIES IN OFFICE AND INSTITUTION DISTRICTS - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend the sections of the Zoning Code relating to "related service facilities" permitted in the Office and Institution districts (by the Board of Adjustment) to limit the number of chairs in a barber shop or beauty shop, by requiring a minimum size for the total building, a maximum size for each service facility, operating hours, and other regulating requirements.

CR-5687 from the Planning Commission recommended that TC-18-85 be approved according to the ordinance attached to CR-5687. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 623 TC 246

AN ORDINANCE TO AMEND THE REQUIREMENTS FOR OFFICE ZONING SERVICE FACILITIES.

Section 1. Subsections 10-2033(f) and 10-2034(2) of the Raleigh City Code are hereby amended to delete the language "barber shop, beauty shop," and in lieu thereof the following be inserted: "barber shop with no more than two chairs total for serving clients, cosmetic arts shop (which includes beauty shops) with no more than two chairs total for serving clients,".

Section 2. Subsection 10-2040(2) of the Raleigh City Code is repealed, rewritten, and reenacted to read as follows:

"(2) Service facilities related to uses permitted in sections 10-2033 and 10-2034, including restaurants, provided such facilities are to be utilized primarily by the occupants of the building(s) on the same lot or within the same office center, and provided that:

a. The facility is located in a building, as defined in 10-2002, with a minimum of thirty thousand (30,000) gross square feet. However, a service facility can locate in a smaller building, as defined in 10-2002, if either all the buildings on the same lot (condominium or townhouse developments) and in the same zoning classification contain a minimum total of thirty thousand (30,000) square feet or the service facility is located in an "office center" in the same zoning classification. An "office center" is defined for the purposes of this section as any concentration of office establishments under one ownership which is located on more than one building site and located on more than one building site and located in an area larger than two and one-half (2.5) acres with a minimum of thirty thousand (30,000) gross square feet of building area developed pursuant to an approved plan indicating a unified approach to vehicular entrances and exits, overall site improvements, and pedestrian movements; and

b. The facility occupies no more than ten percent of any building, as defined in 10-2002, of thirty thousand (30,000) square feet or more, or if located in a building, as defined in 10-2002, of less than thirty thousand (30,000) square feet, the facility occupies no more than ten percent of the square footage of all buildings, as defined in 10-2002, on the same lot or center and in the same zoning classification and no more than twenty percent of the gross square footage of the building within which it is located; and

c. No more than three thousand (3,000) square feet is permitted for any one service facility, unless the primary entrance to that service facility is located off of a main entrance to the building, as defined in 10-2002, which services all other uses within the building, as defined in 10-2002; and

d. The off-street parking standards required by 10-2061(a)(2), including the area of any service facility, are met, and additional separate off-street parking spaces for the operation of the service facility is provided in accordance with 10-2061; and

e. The display of products and activity of the facility is not visible from the street or adjoining lots; and

f. No service facility shall operate before 8:00 a.m. or after 6:00 p.m. unless the board determines that the routine hours of operation within more than fifty percent of the floor areas within the building, as defined in 10-2002, in which the facility is located is operational either before 8:00 a.m. or after 6:00 p.m.; and

g. The facility is centrally located, and its signage and location are not designed to attract clientel from outside the building, office center, or lot within which the facility is sited; and

h. The facility will not adversely effect office operations or adjoining residential properties as determined by the board.".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective upon its adoption.

ADOPTED: 8/6/85

EFFECTIVE: 8/6/85

***REZONING Z-27-85 - ROYAL STREET - DENIED

This was a request for approval to rezone approximately two acres from Residential-4 to Residential-10.

CR-5689 from the Planning Commission recommended that Z-27-85 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***REZONING Z-81-85 - POOLE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 4.8 acres from Residential-10 and Neighborhood Business to Residential-20.

CR-5693 from the Planning Commission recommended that Z-81-85 be approved. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-130-84 - LITTLE JOHN ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 9.5 acres from Residential-6 to Residential-4.

CR-5694 from the Planning Commission recommended that Z-130-84 be rezoned to Residential-4 as requested. Consent Agenda approval Walters/Babb - 8 ayes. See

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-82-85 - SHERWOOD FOREST AREA - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 82 acres from Residential-6 to Residential-4.

CR-5695 from the Planning Commission recommended that Z-82-85 be rezoned to Residential-4 as requested, with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Map 581. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer,

according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-83-85 - NEW BERN AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.3 acres from Residential-6 to Neighborhood Business.

CR-5696 from the Planning Commission recommended that Z-83-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. . (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-84-85 - ROGERS LANE - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 244.6 acres from Agricultural Productive to Residential-10 (68.3 acres), Residential-6 (96.7 acres); Residential-4 (55.3 acres) and Conservation/Buffer (24.3 acres).

CR-5697 from the Planning Commission recommended that Z-84-85 be approved as amended; that is, that Z-84-85 be rezoned as requested but that the 68.3 acres requested to be rezoned to Residential-10 be rezoned to Residential-6. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood

Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-86-85 - SANDERFORD ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 16.4 acres from Residential-6 to Residential-10.

CR-5699 from the Planning Commission recommended that Z-86-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-87-85 - CRUMP ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone, approximately 3.35 acres from Residential-10 (1.2 acres) to Conservation/Buffer and from Conservation/Buffer (2.15 acres) to Residential-10.

CR-5700 from the Planning Commission recommended that Z-87-85 be approved as amended; that is, that 2.15 acres be rezoned from Residential-10 to Conservation/Buffer and 1.2 acres be rezoned from Conservation/Buffer to Residential-10. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

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(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-89-85 - COLLEGEVIEW AVENUE - DENIED

This was a request for approval to rezone approximately two acres from Residential-10 to Residential-20.

CR-5701 from the Planning Commission recommended that Z-89-85 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***REZONING Z-90-85 - BURT STREET - DENIED
This was a request for approval to rezone approximately 0.6 acre from Residential-10 to Residential-20.

CR-5702 from the Planning Commission recommended that Z-90-85 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***REZONING Z-91-85 - WESTERN BOULEVARD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Residential-30 to Neighborhood Business.

CR-5703 from the Planning Commission recommended that Z-91-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

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(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-94A-85 - US 70 WEST - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5,140 acres from Wake County Residential-30 to City of Raleigh Residential-4 and Agricultural Productive.

CR-5704 from the Planning Commission recommended that Z-94A-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-95B-85 - US 70 WEST - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 445 acres from Wake County Airport Districts 1 and 2 to City of Raleigh Airport Overlay District.

CR-5705 from the Planning Commission recommended that Z-94B-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes. See Ordinance 624 ZC 167.

***REZONING Z-97-85 - LEESVILLE ROAD - DENIED

This was a request for approval to rezone approximately 7.9 acres from Residential-4 to Residential-6.

CR-5707 from the Planning Commission recommended that Z-97-85 be denied. Consent Agenda approval Walters/Babb - 8 ayes.

***REZONING Z-100-85 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Residential-4 to Office and Institution-I.

CR-5710 from the Planning Commission recommended that Z-100-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

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(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict..

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-101-85 - LITCHFORD ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately eight acres from Residential-4 to Residential-6.

CR-5711 from the Planning Commission recommended that Z-101-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

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(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-104-85 - LOUISBURG ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 14 acres from Rural Residential to Thoroughfare District.

CR-5712 from the Planning Commission recommended that Z-104-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

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(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-105-85 - FOX ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 20 acres from Residential-4 to Residential-6.

CR-5713 from the Planning Commission recommended that Z-105-85 be approved as requested. Consent Agenda approval Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) 624 ZC 167

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(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

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(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

END OF PLANNING COMMISSION CONSENT AGENDA

***SUBDIVISION S-121-85 - FRAZIER PROPERTY - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a .432 acre site, zoned Residential-20, which presently contains two lots and accompanying structures, into three lots. The property is located on Cooke (Haywood) Street (unimproved), between Seawell and Swain Streets, just north of Edenton Street, inside the City Limits.

CR-5666 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Subdivision Plan, Frazier Property, Raleigh, North Carolina," the property of John Frazier, submitted by Boney and Associates, Incorporated, dated June 11, 1985, with the condition that improvements or payment-in-lieu of improvements to Cooke (Haywood) Street are made in accordance with Section 10-3046 through 10-3050 of the City Code, specifically, one-half of a 27-foot back-to-back street section in a 50-foot right-of-way.

Planning Director Chapman explained the subdivision. Chairman McNeely explained that this subdivision was discussed in detail. He indicated the only problem the petitioner had with the approval related to the conditions that improvements or payment in lieu of improvements to Haywood Street be in accordance with code requirements. He indicated this would be a non-functioning street and the Planning Commission did not feel that putting in the street would help anything and the Planning Commission wish they had some power or authority to waive the requirement but they did not. Therefore, they recommended approval with that stipulation. Mr. Walters indicated he had talked to Mr. Frazier about this and sometime back the Public Works Committee had discussed small lot subdivision. He stated he feels that small lot subdivisions does warrant more study therefore he would move that this item go to Public Works Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-7-85 - COMPACT PARKING SPACE - REFERRED TO ADMINISTRATION

This was a request for approval to amend Section 10-2002, "Definitions," to define parking spaces for a facility of less than 100 spaces to be "a regular parking space," and in parking facilities of more than 100 spaces, to allow up to one-third of the parking spaces to be "compact parking spaces."

CR-5685 from the Planning Commission recommended that TC-7-85 be approved as amended, according to the ordinance attached to CR-5685.

Mr. Walters suggested that this item go to Administration for further study. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-19-85 - RESIDENTIAL-30 SPECIAL USE AMENDMENT - TO BE PLACED ON SEPTEMBER 3 AGENDA AS SPECIAL ITEM

This was a request for approval to amend Section 10-2072(f)(a) concerning conditional Residential-30 use by adding the phrase, "the adjoining street(s) at the midpoint of the lot frontage" which involves the minimum height-to-width ratio in that section.

CR-5688 from the Planning Commission recommended that TC-19-85 be denied.

Planning Director Chapman explained the proposed text change. He indicated the text change is a needed as a clarification as to whether or not height to width ratio applies from alley ways as well as public streets and the clarification is needed as to where the measurement would be taken from. He indicated the Staff had made this recommendation. Chairman McNeely indicated there were some very strong arguments on both sides of this issue. He indicated the Planning Commission felt that this was some what premature and was an attempt by Staff to "fix" the ordinance based on one

plan that had come in and it is felt that it would violate the intent of the ordinance. Mr. Congleton indicated he had heard comments that approval of this text change would open pandora's box. He stated as he understands it if you have a deep lot that this text change would allow construction all the way to the back of the lot with the exception of required setback with Mr. Chapman indicating with this amendment it would allow building of any depth pointing out the change would remove the depth limitation. Ms. Block indicated that this has been a very traumatic experience in developing this R-30 special use and she feels it is too soon to determine whether it is working or not; therefore, she would move that the Planning Commission's recommendation to deny the amendment be upheld. Her motion did not receive a second. Ms. Cates moved that the matter be deferred and placed on the September 6 Agenda as a special item. Her motion was seconded by Mr. Calloway.

Lengthy discussion followed with a number of Council members indicating they have received a tremendous amount of phone calls from both sides. Mr. Congleton indicated he tends to agree with Ms. Block in that it is too soon to change the ordinance but if the ordinance does have a problem he feels it should be fixed. He questioned if this is totally a question of depth. Mr. Walters indicated he felt it was are mature to have a motion as everyone wanted an opportunity to speak and he feels that motions are being made to cut off debate. Mr. Walters indicated, in his opinion, the Planning Commission errored, with all good intent, by giving the Council a CR saying the original intent of the ordinance would be violated if this amendment is passed. He indicated the staff came up with this amendment at the request of Council and he feels it is a clarification. He stated he feels that we should go ahead and approve this text change and move on to other business. Mr. Keller indicated he too feels that it is a simple clarification and he is ready to vote on the item. Ms. Cates indicated she is concerned with the whole R-30 conditional use and if it is not going to do what the Council thought it would do there maybe other areas that need to be clarified. She stated this is a very controversial issue and she would like to have the opportunity to set down with some of the developers who are looking at this area for possible renovation to see if there are flaws in the ordinance that need to be changed. She indicated she did not feel any of the Council members wanted to do anything to prohibit construction in this area that the Council wanted to protect and enhance this area. She stated she would just like an opportunity to talk with people in the development community and in the community to see exactly what the problems are and she feels this type step would help to heal some of the dissatisfaction. She stated if this item is held, that it would give all Council members time to think about it and see exactly what the amendment would accomplish but pointed out she felt that all Council members were aware of how the community felt and she would ask them to hold up their lobbying on this item to give the Council members an opportunity to study all the issues. Ms. Block indicated, in her opinion, this text change is tanamount to rezoning. She stated she does not object to delaying the item but she feels she has heard all of the pros and cons and she agrees with the Planning Commission. After brief discussion, the motion to place the item on the September 3 Agenda was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton, Ms. Babb and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

***REZONING Z-85-85 - BARWELL ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 11 acres from Residential-4 to Shopping Center.

CR-5698 from the Planning Commission recommended that Z-85-85 be denied.

Planning Director Chapman explained the request with Mr. McNeely explaining the Planning Commission's recommendation pointing out this property is next to approximately 15 acres of undeveloped shopping center property. Mr. Walters pointed out this case is out Poole Road almost to the end of our ETJ. He explained the area has changed drastically already and he feels we will see a whole lot more change in the area. Therefore, he feels that this request should be studied and he would move that it be referred to Public Works Committee. His motion was seconded by Mayor Upchurch. Mayor Upchurch pointed out conditions have changed and explained he doesn't necessarily feel we need that much additional shopping center but he feels we should look at the area closely. Mr. Walters pointed out this is one of the areas that was recommended as an site for the Farmer's Market/Food Distribution Center. Mr. Calloway explained in his opinion there is ample land on Poole Road adjacent to this site and in view of the fact that the citizens object and there is undeveloped shopping center land he would make a substitute motion that the Council uphold the Planning Commission's recommendation for denial. His substitute motion was seconded by Ms. Block. Mr. Walters indicated this is the first area in which we had a comprehensive plan in the City of Raleigh. He stated he feels we should delay this case and look at it pointing the main objection of the residents was the increased traffic. Ms. Block stated she had no objection to the item going to Public Works Committee therefore she would withdraw her second to the motion to deny the case. Ms. Cates seconded the motion to deny the case and the substitute motion to deny Z-85-85 was put to a vote which resulted in Ms. Cates and Mr. Calloway voting in the affirmative and the remaining Council members voting in the negative. The Mayor ruled the motion defeated. The original motion to refer the matter to Public Works Committee was put to a vote which resulted in all members voting in the affirmative except Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

***TC-2-85 - PROCEDURE FOR GRANTING GRADING PERMITS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to clarify the process for allowing grading permits in site plan approval zoning districts so that no grading permits will be issued before a site plan has been approved.

CR-5683 from the Planning Commission recommended that TC-2-85 be denied, and that a revised text change regarding grading permit in site plan approval zoning districts be advertised for public hearing, according to the ordinance attached to CR-5683.

Planning Director Chapman indicated this was a simple one page proposed text change however the revised text change includes about five pages of concerns that came up during the Planning Commission's deliberation on this text change. In response to questioning, City Attorney McCormick indicated he did not feel that a readvertisement would be required. Ms. Block indicated the original text change came out of Public Works Committee and perhaps the Public Works Committee should study the revised text change presented by the Planning Commission. Ms. Cates moved that TC-2-85 as revised by the Planning Commission be referred to Public Works Committee. Her motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-31-85 - HOLLY SPRINGS ROAD - DENIED

This was a request for approval to rezone approximately six acres from Residential-1 to Office and Institution-I.

CR-5690 from the Planning Commission recommended that the portion of Z-31-85, 200 feet back from Holly Springs Road, be rezoned to Office and Institution-I as requested and the remainder of the request remain Rural Residential (be denied).

Planning Director Chapman explained the proposed rezoning as well as the Planning Commission's recommendation. Mr. McNeely indicated this case was delayed to get input on the comprehensive plan for this area. He explained the zoning in the area and the location of public utilities in the area. Ms. Block pointed out the comprehensive plan uses Holly Springs Road as the dividing line and she does not feel that we should have this Office and Institution zoning on that side of Holly Springs Road as it will start a trend. Mr. Congleton indicated he tends to agree with Ms. Block as he feels that it will be piecemeal zoning. Ms. Cates indicated, in her opinion, the rezoning is premature. Mr. Keller indicated he did not see rezoning property 200 feet from a road as recommended here; therefore, he would move denial of the rezoning application. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-49-85 AND REZONING Z-50-85 - BLAND ROAD - TO BE PLACED ON THE SEPTEMBER 3, 1985 AGENDA

Rezoning application Z-49-85 was a request for approval to rezone approximately 2.2 acres from Residential-6 to Office and Institution-I.

CR-5691 from the Planning Commission recommended that Z-49-85 be denied.

Rezoning Z-50-85 is a request for approval to rezone approximately 1.6 acres from Residential-6 to Office and Institution-I.

CR-5692 from the Planning Commission recommended that Z-50-85 be denied.

Planning Director Chapman explained the two rezoning applications. Mr. Walters indicated he would like to discuss these two cases together pointing out the owners are out of the country and they had not had an opportunity to adequately explain their request; therefore, he would recommend that rezoning application Z-49-85 and Z-50-85 be placed on the September 3 as special items. It was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-95-85 - US 70 WEST - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 8.3 acres from Office and Institution-I (7.5 acres) and Conservation/Buffer (.8 acres) to Shopping Center.

CR-5706 from the Planning Commission recommended that Z-95-85 be approved as requested.

Planning Director Chapman explained the request and Mr. McNeely explained the Planning Commission's recommendation. Ms. Block pointed out representatives of this area have said that there is already too much shopping center in the area and thoroughfare district would be a better zoning. She stated in any case she does not believe the conservation buffer to the rear of the property should be removed. Ms. Cates indicated she had some real concerns about this item and would like for it to go to Public Works Committee to talk about whether we should do away with the conservation buffer, and the amount of shopping center in the area already. Therefore, she moved the matter be referred to Public Works Committee. Her motion was seconded by Mr. Calloway. Mr. Congleton pointed out if the property were zoned shopping center, he feels it could be developed in a more unified manner. He stated he understands the question about the conservation buffer but he also understands the situation of the adjoining R-6 property. Ms. Cates indicated she had talked at length with the

petitioner and she had some questions about the thoroughfare district posed by the neighborhood. She pointed out we already have a number of shopping centers in the area and is just not sure about this rezoning. Mayor Upchurch pointed out the area is already stripped out. He explained the O&I is in the back of a shopping center area and he feels that it could be developed and be compatible with the neighborhood. The motion as stated was put to a vote and passed unanimously.

Later in the meeting, Mr. Keller moved that City Council rescind their action on rezoning Z-95-85. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Cates who voted in the negative. Mr. Keller moved that the Office and Institution-I property covered by application Z-95-85 be rezoned to Shopping Center with the understanding that the 50-foot conservation buffer would remain along the entire northern side of the property. His motion was seconded by Ms. Babb and put to a vote which passed with all members voting in the affirmative except Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 624 ZC 167

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Little John Road, north side, between Carlisle Drive and St. George Road; south of the cul-de-sac of King Richard Drive, being Parcel 195, Tax Map 581, rezoned to Residential-4. (Z-130-84)

(b) Poole Road, north side, between Star and Coke Streets, being Parcels 741 and 742, Tax Map 553, rezoned to Residential-20. (Z-81-85)

(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

(n) Six Forks Road, east side, midway between Mourning Dove Road/Sawmill Road and Crown Oaks Drive, being Parcel 34, Tax Map 324, rezoned to Office and Institution-I. (Z-100-85)

(o) Litchford Road, west side, between Landings Way and Johnsdale Road, and at the eastern dead end of Weybridge Drive, being Parcel 109, Tax Map 353, rezoned to Residential-6. (Z-101-85)

(p) Louisburg Road, west side, at its southern intersection with Spring Forest Road, being Parcel 202, Tax Map 383, rezoned to Thoroughfare District. (Z-104-85)

(q) Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), being a portion of Parcel 202, Tax Map 355, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-105-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-98-85 - SIX FORKS/STRICKLAND ROAD - APPROVED

This was a request for approval to rezone approximately 6.8 acres from Residential-4 to Neighborhood Business (1.1 acre) and Office and Institution-I (5.7 acres).

CR-5708 from the Planning Commission recommended that Z-98-85 be approved as requested.

Planning Director Chapman explained the application and Mr. McNeely explained the Planning Commission's recommendation. Brief discussion took place with Mr. Congleton pointing out that this would be the last focus area we would have to the north. He stated we do want to protect the watershed but these people will need to have some service facilities. Ms. Block questioned what is on that corner and why neighborhood business is being suggested. She stated on the corners of a major intersection she thought we tried to put all shopping on one corner pointing out we usually do not have shopping on separate corners. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 624 ZC 167

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(c) Sherwood Forest Area, located on the south side of Poole Road, including lots on the east and west sides of King Richard and St. George Roads, Tax Maps 554 and 581, rezoned to Residential-4 with the exception of Lots 148 and 149, Tax Map 554, and Lot 193, Tax Map 581, according to map on file in the City of Raleigh Planning Department. (Z-82-85)

(d) New Bern Avenue (US 64 East) south side, between the Beltline and Plainview Drive, being a portion of Parcel 35, Tax Map 497, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-83-85)

(e) Rogers Lane, east and west sides, between U.S. 64 East and Daleview Drive, being a portion of Parcel 8, Tax Map 527 and Parcels 528-451, 556-139 and 140, rezoned to Residential-6, Residential-4 and Conservation/Buffer,

according to map on file in the City of Raleigh Planning Department. (Z-84-85)

(f) Sanderford Road, south side, at its southeast intersection with Idlewood Drive, being Parcel 413, Tax Map 633, rezoned to Residential-10. (Z-86-85)

(g) Crump Road (Trailwood Drive), west side, between I-40 and Holly Springs Road, being a portion of Parcel 31, Tax Map 603, rezoned to Conservation/Buffer and Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-87-85)

(h) Western Boulevard, south side, between Clanton and Carlton Streets, being Parcel 403 and portions of Parcels 404 and 407, Tax Map 521, rezoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-91-85)

(i) U.S. 70 West, generally south side between Ebenezer Church Road and the Durham County Line, being known primarily as the Umstead State Park property and others as shown on maps on file in the Planning Department, rezoned to Residential-4 and Agricultural Productive. (Z-94A-85)

(j) U.S. 70, south side, between the Raleigh-Durham Airport and the Durham County Line, being numerous parcels of land and shown on maps on file in the Planning Department, rezoned to City of Raleigh Airport Overlay District. (Z-94B-85)

(k) U.S. 70 West, north side, between Munford Road and Pleasant Valley Road, being portions of Parcels 22 and 23, Tax Map 377 rezoned to Shopping Center with 50' of Conservation/Buffer to remain along the northern property line, according to map on file in the City of Raleigh Planning Department. (Z-95-85)

(l) Six Forks Road and Strickland Road, southeastern corner of the intersection, being a portion of Parcel 3, Tax Map 302, rezoned to Neighborhood Business and Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-98-85)

(m) Six Forks Road, east side, beginning about 800 feet south of Strickland Road, being Parcel 10, Tax Map 302, rezoned to Office and Institution-I and Residential-10, according to map entitled "Z-99-85 - Planning Commission Recommendation" on file in the City of Raleigh Planning Department. (Z-99-85)

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Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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Adopted: 8/6/85

Effective: 8/6/85

***REZONING Z-99-85 - SIX FORKS ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 26.6 acres from Residential-4 to Office and Institution-I.

CR-5709 from the Planning Commission recommended that Z-99-85 be approved as amended; that is, that Z-99-85 be rezoned to Office and Institution-I and Residential-10 according to the map attached to CR-5709.

Planning Director Chapman explained the request and Mr. McNeely explained the Planning Commission's recommendation. Ms. Babb moved approval of rezoning application Z-99-85 as recommended by the Planning Commission. Her motion was seconded Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

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Effective: 8/6/85

***PLANNING COMMISSION - STATUS ON ITEMS - REPORT TO BE CONTINUED

Ms. Cates indicated she appreciated receiving the report from the Planning Commission on items that had been pending in the Commission for over three months and stated she would like to continue receiving that report if possible.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***SPEED LIMITS - CENTRAL CITY NEIGHBORHOODS - STOP SIGNS AUTHORIZED

Chairman Keller reported the Law and Finance Committee recommends installation of stop signs in the following locations: West Johnson at Park Drive; Park Drive at West Park Drive; northbound on West Park Drive at College Place, and eastbound at College Place/ East Park Drive. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated after these stop signs have been in effect for approximately one year, she would like a report as to whether they have improved the situation or not. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-2-85 - DURALEIGH ROAD - DENIED

Chairman Keller reported the Law and Finance Committee recommends that this request for rezoning from Residential-6 to Residential-10 be denied. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Ms. Cates asked to be excused from participation in this matter. Without objection, Ms. Cates was excused. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***CONRAIL SALE - NORFOLK AND SOUTHERN - REMOVED FROM THE AGENDA

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no further action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-89-85 - HARRLESON PARK (CR-5648) - APPROVED AS AMENDED AND WITH CONDITIONS

Chairman Keller reported the Law and Finance Committee recommends that this plan be approved as revised for development primarily for an upholstery facility. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated she feels that the recommendation should be changed to indicated that the plan be approved as revised for development "solely" for an upholstery facility. It was pointed out that they plan to rent out a portion of the property for other uses other than the upholstery business. The City Attorney explained that they would have enough parking available under the revised plan as the Committee was interpreting that the upholstery business would not need as much parking as originally required by Staff. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SC-30-85 - WEST OF RANCH REVISION - APPROVED WITH CONDITIONS

Chairman Keller reported the Law and Finance Committee recommends that this request be approved according to a map entitled, "Revisions to a portion of Lot 2, West of the Ranch," the property of the Coach and Space Doctor, drawn by McNeely Associates, dated June 3, 1985, with the following conditions: (1) that at recombination map be recorded indicating the new boundary between Lots 1 and 2 prior to building permits being issued on Lot 2; (2) that a public water line to Lot 2 be approved by the Public Utilities Department; and, (3) that sign criteria be approved by the City Council. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***GROUP CARE/SHELTER ORDINANCE - HRHRAC RECOMMENDATION - REFERRED TO ADMINISTRATION AND CITY ATTORNEY

Chairman Keller reported the Law and Finance Committee recommends that the Group Care/Shelter Ordinance report developed by HRHRAC (Human Resources Human Relations Advisory Committee) be forwarded to Administration and the City Attorney to look at to come back to the Council with any specific recommendations or suggestions relative

to the report. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***NCNB HOUSING - RESOLUTION - ADOPTED

Mayor Upchurch indicated Council Members will receive in the Agenda packet a proposed resolution to authorize the future sale of certain property in Phase I - Residential Site Project Area, pursuant to Section 2.14(76) of the Raleigh City Charter. The Committee recommends adoption of this resolution which relates to the Downtown East/East Side Redevelopment Plan. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 905

A RESOLUTION TO AUTHORIZE THE FUTURE SALE OF CERTAIN PROPERTY IN THE PHASE I-RESIDENTIAL SITE PROJECT AREA PURSUANT TO SECTION 2.14(76) OF THE RALEIGH CITY CHARTER

WHEREAS, the General Assembly of North Carolina has granted to the City of Raleigh the authority to participate in economic development projects and to create Economic Development Areas and to exercise special powers and authorities in such areas;

WHEREAS, the City Council has adopted the Phase I-Residential Site Amendment to the Downtown East/East Side Redevelopment Plan and that the Phase I-Residential Site Area is within that portion of downtown Raleigh subject to designation as an Economic Development Area;

WHEREAS, the City of Raleigh is the owner of certain properties located in the City of Raleigh, Wake County, North Carolina, being further described as follows:

BEGINNING at the point of intersection of the Southern right of way line of E. Morgan Street and the Eastern right of way line of S. Bloodworth Street, runs thence along E. Morgan Street South 81° 14' 08" East 52.50 feet to a point; runs thence South 08° 18' 30" West 52.54 feet to a point; runs thence North 81° 13' West 52.46 feet to a point in the Eastern Line of S. Bloodworth Street; runs thence North 08° 15' East 52.53 feet to the point and place of BEGINNING and being the property shown on a map entitled "Property of City of Raleigh, (Formerly: Marcellite L. Coley), 101 S. Bloodworth Street, Raleigh, NC" by L. I. Chasak, Registered Land Surveyor, dated June 7, 1984 and being also known as Parcel A-71-7 in the tax maps of the City of Raleigh, North Carolina.

BEGINNING at the point of intersection of the Southern right-of-way line of E. Morgan Street and the Western property line of Parcel A-71-8, runs thence along E. Morgan Street South 81° 14" 08" East 52.50 feet to a point; runs thence South 08° 21' 08" West 52.46 feet to a point; runs thence North 81° 13' West 52.46 feet to a point; runs thence North 08° 18' 30" East 52.54 feet to the point and place of BEGINNING and being the property shown on a map entitled "Property of City of Raleigh (Formerly: Marcellite L. Coley), 410 E. Morgan Street, Raleigh, N. C. by L. I. Chasak, Registered Land Surveyor, dated March 1, 1984, and being also known as Parcel A-71-8 in the tax maps of the City of Raleigh, North Carolina.

WHEREAS, the Property is designated in the Amendment for rehabilitation and use as a professional office or residence;

WHEREAS, the City Council believes that the construction of an Economic Development Project would enhance the value and livability of the downtown area and the entire City of Raleigh;

WHEREAS, the construction of an Economic Development Project will encourage the development of adjoining, adjacent or nearby property which may now be blighted, debilitated or otherwise in need of rehabilitation;

WHEREAS, the City Council has designated the NCNB Community Development Corporation as the Master Developer for Residential Redevelopment in the Downtown East Redevelopment Area;

WHEREAS, NCNB Community Development Corporation and the City of Raleigh have conceived a plan and program to improve the above-described property for the general welfare of the City, especially for the continued revitalization of the central core area of the City, whereby NCNB Community Development Corporation will purchase and rehabilitate the property, following the City's rehabilitation standards, for its office in order to carry out a program of rehabilitation assistance and redevelopment in the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

The City Council finds it in the public interest and beneficial to the general welfare of the City to declare the property described in this resolution to be an

Economic Development Area and that City participation in an Economic Development Project connected with the property is appropriate.

Adopted: 8/6/85

Effective: 8/6/85

***EXCHANGE PLAZA RENOVATION - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT

Mayor Upchurch indicated the Downtown Committee recommends that Administration be authorized to negotiate a scope of services contract with Sears Design Group relating to the renovation of Exchange Plaza. It was pointed out the proposed design fee is $10,000. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters.

Ms. Block questioned if this would be an expense of the adjacent property owners with City Manager Benton indicating the adjacent property owners have expressed an interest but the Committee felt that it would be best to get the design and cost basis and then negotiate with the adjacent property owner. Ms. Block indicated, in her opinion, Exchange Plaza looks good and she did not think that it needed additional work. After brief discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***MARSH VACKER BUILDING - 100 BLOCK OF THE MALL - APPROVED WITH CONDITIONS AND SUNSET PROVISION

Mayor Upchurch indicated the Downtown Committee recommends approval of the request to exceed the height limits for the property (198 feet) subject to adhering to all conditions set forth in material presented to Council entitled "Conditional Approval Marsh/Vacker Limited Project 100 Block Fayetteville Street Mall, dated July 29, 1985", and with the further stipulation that the approval will expire in one year if design plans have not been submitted to the City for approval and will also expire if the project is less than 50% built in three years. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion seconded by Ms. Babb and put to a vote which passed unanimously.

***TEXT CHANGE PROPOSAL - BUSINESS DISTRICT LAND USE - PUBLIC HEARING AUTHORIZED

Council members received in their Agenda packet a proposed text change for the business district which would give the City more site plan review and approval authority. The Downtown Committee recommends that a public hearing be held to consider this proposed text change. Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***FARMER'S MARKET SITE - ALTERNATIVE - INFORMATION RECEIVED ITEM RETAINED IN THE DOWNTOWN COMMITTEE

Carlton Midyette representing the Downtown Development Corporation was at the meeting and presented Council members with the report on their study of alternate sites for the Farmer's Market and Food Distribution Center. He indicated the Downtown Development Corporation are strongly in favor of the Farmer's Market and Distribution facility that there was no negative feelings about moving the Farmer's Market or having a distribution facility in Raleigh. He indicated the study, however, was conducted to look at all alternative sites pointing out the study includes three sites which are the result of culling of about 15 general sites. He indicated in doing the study it was determined that the retail use of the Farmer's Market and the wholesale use of a distribution facility side by side does cause a problem in locating sites. He indicated the Farmer's Market is looked at as a festive type facility that would cater to retail and would transend all groups and types of people. He indicated the Dorothea Dix land would lend itself well to a Farmer's Market facility. He indicated, however, a food distribution facility is an entirely different type facility that would require a lot of truck traffic, paved parking areas, fences, etc. He indicated everyone feels that this should be a more industrial type land than the Dix property. He indicated everyone feels that the Food Distribution Center and the Farmer's Market would be a wonderful thing for the City as it would offer jobs, increase tax base and even possibly lower food prices. He stated if the two operations were separated then different sites could be considered. He read the recommendation of the Downtown Development Corporation.

Ms. Block indicated this is the first time that she had seen this report and feels it is a very good report. She indicated she is greatful that someone is looking at alternate sites.

Mayor Upchurch suggested that the Council receive the Downtown Development Corporation's report as information pointing out the Downtown Committee will retain this item in Committee and is recommending that the Downtown Development Corporation be the City's liaison to work with the Department of Agriculture on this issue. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters. Ms. Block indicated that what happens at the Dix property is going to have a direct affect on the west and southwest portion of the City and since the Committee is recommending that the Downtown Development Corporation be the City's liaison, she feels that someone from that portion of the City should be a member of the Downtown Development Corporation. Discussion took place on the make up of the Downtown Development Corporation with it being pointed out the Mayor is a

member. City Attorney McCormick pointed out the City Council does not appoint the Board of Directors of the Downtown Development Corporation. Various alternatives were discussed with Mayor Upchurch pointing out we could ask Mr. Keller to be involved with the Downtown Development Corporation activities as it relates to the Farmer's Market Food Distribution Center alternate sites. Brief discussion took place after which by general consensus, it was agreed to accept the Downtown Development Corporation's report as information, the Downtown Committee would retain the item in Committee and that the Downtown Development Corporation would be the City's liaison as it relates to real estate transactions and that the Downtown Development Corporation would report their concerns or comments on this item to the Downtown Committee and would involve Mr. Keller in any of the meetings where this item is discussed.

Mr. Keller indicated it should be pointed out that the report from the Downtown Development Corporation was put together under the constraint that they had to consider the two facilities together and that he hopes that they will explore the concept of other sites having the two operations separate. Mayor Upchurch commended the Downtown Development Corporation as well as the three people who put the report together pointing out the report was very well received with City Attorney McCormick explaining he felt this report helped the City of Raleigh in their dealings with the State on this matter and this report contributed to the favorable action of the General Assembly.

***DOWNTOWN EAST PROJECT - LOAN POOL REGULATIONS - AMENDED

Mayor Upchurch indicated the Downtown Committee is recommending adjustments to the loan pool regulations which are intended to better coordinate this program with the City's redevelopment target areas and to give more flexibility in the ways of using the funds. Council members received a report entitled, "Downtown Loan Pool Report and Recommendations" in their Agenda packet. Mayor Upchurch moved the changes as outlined be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***NCNB CDC - AGREEMENT - TO BE PLACED ON THE SEPTEMBER 3, 1985, COUNCIL MEETING

Ms. Babb indicated in the Downtown Committee the Committee discussed the proposed agreement with NCNBCDC as well as the four proposed resolutions from the Task Force. She indicated it was her understanding that Administration was asked to work with representatives of the Task Force and NCNB for a policy statement to be attached to the contract relating to the four resolutions. She indicated she just wanted to make sure that everyone had the same understanding. Mayor Upchurch indicated he did not feel it would take Council action as the Committee had requested Administration to follow these lines. In response to questioning, City Manager Benton indicated the Committee did direct Administration to try to develop language to address the concerns and that it would be brought to the September 3 meeting. He stated there were three points relating to the agreement that Administration is to be working on and the fourth point related to the letter that would go out to property owners and Administration was to development some language to put in the letter indicating that property owners could seek professional advice on the value of their property. Ms. Babb indicated as long as this was the understanding that Administration has no action is needed but she anticipated seeing this on the September 3 Agenda.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***NOMINATING PROCESS - COMMITTEE'S CONCEPT UPHELD

Mr. Walters indicated Council members received in their Agenda packet a process that the Nominating Committee is suggesting which is as follows: At the first meeting of each month, the Clerk would present a memo outlining the upcoming vacancies in the next sixty (60) days. This would be placed in the front of the Agenda packets similar to an informational memorandum but would not be read at the Council meeting. If a Councillor has suggestions for any of these vacancies, they would be given to any member of the Nominating Committee or the City Clerk. The Nominating Committee would meet on the Monday following the Council meeting and consider any suggestions that have been presented. These would be considered and a member of the Committee and/or Staff would contact each person that had been suggested to discuss the work of that particular Committee and ascertain their willingness to serve. He indicated thirty (30) days prior to the expirations of those terms, the Nominating Committee would give their nominations on the various vacancies. This would be included in the Agenda packet as a regular Committee report. At that Council meeting, the Chairman of the Committee would present the report of the Nominating Committee and the floor would be opened for nominations. Whether nominations are made or not on a particular Board, the item would be held open and at the following Council members (which would be approximately 15 days prior to the expiration of a term) the slate presented by the Nominating Committee would be confirmed or a vote taken if additional nominations had been made from the floor. Mr. Walters pointed out that the Clerk would submit only one memo showing the various upcoming vacancies instead of repeating it until action is taken as we presently do. It was also agreed that nominations from the floor would be taken only at the meeting that the Nominating Committee submits the slate. The Nominating Committee would keep a notebook of any names or suggestions that had been made of persons who not appointed so that that person could be considered for a future slot on the Committee in which they had expressed interest. Mr.

Walters moved the report as submitted be accepted. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mr. Walters presented a list of the upcoming vacancies.

***HISTORIC DISTRICTS COMMISSION - APPOINTMENTS MADE

Mr. Walters indicated as we were changing procedure from nominations from the floor to the Nominating Committee, the Historic Districts Commission was being considered. He pointed out the terms of John Castleberry, Calvin R. Parks, Jr., and John W. Kinney, Jr., expired June 30, 1985. Barbara Wishy's term on the Historic Properties Commission expired and she was not eligible for reappointment, therefore, she must be replaced on the Districts Commission. Steve Stroud has resigned from the Districts Commission, therefore, there are two vacancies and three terms that have expired. During the July 16 Council meeting, nominations for the Historic Districts Commission were referred to the Nominating Committee. The Districts Commission has suggested that Mr. Kinney and Mr. Parks be reappointed for two years and Mr. Castleberry for one year as he is only eligible for one more year. As we were changing the process on appointments, Ruth Little and Fayma Nie were nominated for the Districts Commission. Mr. Walters pointed out all appointments to the Properties and Districts Commission are effective July 1 of each year. He indicated there is a need to get the Districts Commission in place and since appointments are retroactive to July 1 of each year, he would recommend that we suspend rules and appoint these five people as recommended. Mayor Upchurch moved Mr. Walters suggested be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE TELECOMMUNICATIONS COMMISSION

***CABLE SERVICE IN COMMERCIAL AREAS - COMMISSION REPORT UPHELD

Joan R. Baron, chairman of the Telecommunications Commission indicated that Commission received for review from the Council the matter of cable service in commercial areas outside downtown. She indicated in acting on this matter, the Commission heard a recommendation from American Television and Communications/Cablevision of Raleigh that the franchise requirement to construct and offer cable services in commercial areas be eliminated and a suggestion that commercial subscribers pay for both construction and installation cost. She indicated the franchise specifically requires ATC/Cablevision to offer full cable television services to commercial subscribers. It does differentiate between residential and commercial subscribers regarding installation and monthly charges. ATC/Cablevision has installed cable lines in commercial areas immediately contiguous to trunk routings in residential areas and has provided service to commercial subscribers outside those areas upon request although the demand for service in totally commercial areas is projected to be very low. The Telecommunications Commission determined that the franchise requirement to offer full cable services to all commercial subscribers should remain intact. Further, by unanimous vote, the Telecommunications Commission recommended: (1) that ATC/Cablevision be allowed to defer cable installation in totally commercial areas until requested by a subscriber and must then provide service within ninety (90) days; (2) that ATC/Cablevision install cable lines in any area where the City or other utilities are engaged in underground projects and (3) that a letter of understanding about these recommendations be completed.

Ms. Block indicated it takes a lot of money to campaign and she feels the British system is good whereby they allow each candidate a certain amount of time so the whole public can be aware of the people they are asked to vote on. She indicated she felt that Cablevision of Raleigh should consider this. Ms. Baron explained two years ago Citizens Choice was conducted and maybe Cablevision of Raleigh will do something like that this time. She pointed out we will not have the access studio in time for this campaign.

Discussion took place on the Telecommunications Commission's report with Mayor Upchurch suggesting that we hold this item until the September 3 meeting to take action. Ms. Cates indicated she feels that we should go ahead and vote on it, therefore, she would move that the Council accept the recommendations of the Telecommunications Commission. Her motion was seconded by Ms. Block. In response to questioning, City Attorney McCormick indicated he does not believe, if the Telecommunications Commission's report is upheld, that that would amend our franchise. He indicated their first recommendation is a simple clarification of an existing requirement and he believes their second recommendation is already in the franchise and the third recommendation is clerical. Ms. Baron indicated the Commission was asked to look at those areas outside Downtown and she would hope that whatever is done outside downtown would dove tail with what happens downtown. Mr. Congleton explained 6 to 9 months ago, ATC was fined because they didn't have the cable down in certain areas. He indicated he thought the contracts stipulated that the lines had to be down and questioned if this recommendation changes the intent of the contract pointing out he would like for the City Attorney to have an opportunity to look at this. City Attorney McCormick indicated Cablevision of Raleigh would still be obligated to provide service. Ms. Cates amended her motion to uphold the recommendation of Telecommunications Commission subject to review and approval by the City Attorney. Ms. Block indicated if we are going to do that then she feels we should just wait until September 3. After brief discussion, it was agreed to hold this item to allow the Attorney an opportunity to study it and make a report back at the night meeting.

During the night portion, City Attorney McCormick indicated he had had an opportunity to review this item and he does not see any problem in adopting the recommendation of the Telecommunications Commission pointing out they are explanatory, nothing is new and no one is deprived this service. Mr. Calloway moved the recommendation of Telecommunications Commission be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***DOWNTOWN CABLE T.V. SERVICE - CLARIFICATIONS ADOPTED

City Manager Benton indicated Administration was asked to look in the subject of Downtown Cable T.V. service. He indicated ATC/Cablevision of Raleigh has requested what it refers to as clarification of the franchise provisions which requires ATC to "offer full cable television service to all potential subscribers, including commercial, residential and non-commercial subscribers located within the initial service area". Specifically, ATC seeks to avoid having to install cable wiring in parts of the downtown area. City Manager Benton indicated in the central part of the downtown area, cable installation will require excavation of the streets and sidewalks. It is also the case that there is presently very little residential development and no demand for cable services in parts of this area. The Administration therefore recommends that ATC be allowed to defer its obligation to install cable lines in an area bounded by Edenton, West, Cabarrus, and Person Streets except under the following circumstances: (1) where residential property is present, cable service will be made available immediately without the need for a service request from the resident; (2) when services requested by any would be subscriber, service must be provided within ninety (90) days; (3) when the City or other utilities are engaged in underground projects in this area, ATC must use this opportunity to install cable lines in the project area even if these lines will simply be capped at each end. He stated in additional institutional network services must be provided to this area on the same basis as elsewhere in the City. City Manager Benton indicated if the outlines of this proposal are acceptable to the Council, Administration will draft a proposed letter of agreement with ATC containing the recommended conditions. Ms. Babb moved approval of Administration's recommendation. Her motion was seconded by Mr. Walters. Brief discussion took place and it was agreed to withdraw the motion and hold the item until the night portion of the meeting to give the City Attorney an opportunity to study Administration's recommendation.

During the night portion of the meeting, City Attorney McCormick indicated he had had an opportunity to review Administration's recommendation and he does not see any problem in adopting the recommendation as he feels that it is explanatory, nothing new and no one is deprived service. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE RALEIGH HOUSING AUTHORITY

***PROJECT SELF-SUFFICIENCY - RALEIGH HOUSING AUTHORITY AUTHORIZED TO SUBMIT ADDITIONAL APPLICATION

Floyd Carter, executive director, was at the meeting explaining the Raleigh Housing Authority received a grant relating to project self-sufficiency. He indicated they are proposing to submit for an additional allocation of units under the same program format pointing out this would be simply an expansion of the size of the current program rather than a modification. He indicated they are preparing the proposal and have not determined a specific allocation but they would probably consider asking for 100 additional housing certificates since this would bring the total back to the original request. He indicated there will be 5,000 certificates nationwide and the City of Raleigh would be competing for these certificates. He stated he was at the meeting asking Council concurrence in filing the grants expansion. Mr. Walters moved the Housing Authority be authorized to file the grant expansion. His motion was seconded by Ms. Babb. In response to questioning, Mr. Carter indicated they have taken 22 single parents through the process and they are at various stages in this grant. He indicated they are doing it in phases so that they can provide support. He indicated he feels the City of Raleigh's program as probably is advanced as any in the United States. He stated thus far 75 applicants have been screened. The motion as stated was put to a roll call vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF TRIANGLE J COUNCIL OF GOVERNMENTS

None

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***POPULATION ASSESSMENT - 1985 - ACCEPTED

Planning Director Chapman indicated Council members received in their Agenda packet a booklet entitled, "City of Raleigh Population Estimated", dated July 1, 1985. He indicated this includes an estimate of population and housing units by census tract and this is based in part on data made more easily available from the Raleigh Property Data System. Mr. Chapman went through the estimate utilizing charts to show population comparisons for the period April 1, 1970, April 1, 1980 and July 1, 1985.

He indicated the City of Raleigh's population is estimated to be 184,089 as of July 1, 1985 pointing out this brings us back to the number 2 spot we are the second largest city in North Carolina. He went through the information briefly and the information was accepted without comment. .

***WATER AND SEWER SERVICE - REQUEST FOR EXTENSION ALONG STRICKLAND ROAD - DENIED

Included in the Agenda packet has a request for water and sewer service to a residential-zoned tract on the south side of Strickland Road and adjacent to Towne North Shopping Center. This request would involve installation of a sanitary sewer pump station for an area which is capable of being served by gravity sewer into the Hare Snipe Creek Basin.

City Manager Benton indicated the shopping center was build when the area was outside the City's planning jurisdiction and was developed with septic tank and drainage field. He indicated that lasted only a short time and problems developed. In 1982, the City Council agreed to a temporary pump station. He indicated he would be concerned about development of a number of pump stations without a plan to get sewer to this property; therefore, the recommendation of denial. Mr. Congleton moved that this item be referred back to Administration to see if a plan could be developed for the extension of gravity sewer to this area including the shopping center so that we can look at a short term as well as a long term solution. His motion was seconded by Ms. Babb. Brief discussion took place, after which Ms. Block made a substitute motion to uphold the Manager's recommendation for denial. Her substitute motion was seconded by Mr. Keller. Discussion took place about a long term solution for this area with City Manager Benton indicating he received a letter from the individual and the request was made to allow a pump station. He indicated there was no reference to dealing with it in other terms. He stated if they would like to continue discussion or look at other solutions, he would be glad to consider it but at this point the request was for a pump station. In response to questioning, City Manager Benton indicated it is almost two miles to this project from existing sewer. Mr. Congleton's motion was discussed with Mr. Congleton indicating he is looking for a short term solution that will require a long term commitment on the part of the developer. Allowing pump stations which allows development to carry on in a leap frog fashion was discussed with Ms. Block indicating when you allow this type leap frog development, you put the burden on the tax payer. Mr. Keller pointed out this is the simple request for a pump station and he feels the City should respond to the request that is deny the request and let the developer come back with another solution.

LaMarr Bunn indicated they did address this in the zoning of the property and they were told to request to get this on the Agenda. He indicated they were surprised when the denial came back without any discussion. He stated that he would be glad to set down with Mr. Benton and propose some short term and long term solutions with Mayor Upchurch pointing out if this request is denied, then the developer could come back to discuss alternatives. The substitute motion to uphold the Manager's recommendation for denial was put to a vote which passed in all members voting in the affirmative except Ms. Babb and Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

***EXTRATERRITORIAL JURISDICTION EXTENSION ONE MILE - APPROVED - PUBLIC HEARING AUTHORIZED; THREE MILE EXTENSION - APPROVED IN CONCEPT ADMINISTRATION TO BRING REPORT BACK

With the recent annexation actions of the City, it is desirable to extend the City's planning jurisdiction. The proposal includes two activities. The first will be an extension by the City Council of its planning jurisdiction for up to one mile from the City. The second would be a request to extend the planning jurisdiction beyond the one mile area and this will require the submittal of a proposal to the Wake County Board of Commissioners.

City Manager Benton explained that this is two separate items, one relates to the one mile extension which has been controversial in the past as to whether the City has the automatic right to extend its jurisdiction one mile or whether the County has to concur. Planning Director Chapman explained the boundaries for the one mile extension. City Manager Benton indicated Administration is recommending the extension of the planning jurisdiction to one mile and also requesting that the Council authorize that this area be scheduled for the September zoning hearing which will allow zoning to be placed on the property within the sixty (60) day limit. Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously.

City Manager Benton indicated the next item relates to the proposed extension for up to almost three miles. Planning Director Chapman explained the boundaries for the proposed extension with Mr. Benton pointing out it does not go the entire three miles. City Manager Benton indicated at this point, he would like to get the Council's concurrence that this is the boundaries they want to look at and Administration would bring back a report at the September 3 meeting. Mr. Congleton indicated he feels that we should look at this carefully questioning what the discussion was relating to going further out Six Forks Road. City Manager Benton explained the drainage basins that had been considered in making this recommendation. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PLANNING TASK FORCE - ENLARGE - ADDITIONAL MEMBERS APPOINTED

City Manager Benton indicated the City Council at the July 16 meeting appointed seven of the proposed ten members of the Northeast Planning Task Force. He indicated since that time, two members of the Wake County Planning Board have been recommended for appointment. In addition there needs to be an appointment of one citizen who resides in the planning area outside Raleigh's ETJ. The County Planning Board's nominees are Regina McLaurin and Judd Ammons. In addition, the at large citizens that had been recommended are John Massey and Micky Hill. City Manager Benton indicated the Task Force calls for one citizen in the ETJ but at this point Administration is recommending that the Task Force be enlarged and these four persons appointed. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Walters indicated at the organizational meeting, all members that had been appointed were present and approximately 40 to 50 people attended.

***SANITARY SEWER EASEMENT - ENCROACHMENT - AREA DECLARED SURPLUS TO BE SOLD

The builder of Falcon Ridge, Phase II, has encroached on a sanitary sewer easement with a residential unit. The encroachment is for approximately 7.2 feet and there are 12.8 feet to the sewer line. This is a sufficient width for maintenance.

Recommendation:

That the City declare an area of approximately 900 square feet of easement as surplus and offer it for sale at a minimum bid of $1,000. The area would be as shown on the map included in the Agenda packet. The builder would have the choice of purchasing the residual easement or removing the encroachment.

Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-906

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh owns a sanitary sewer easement in Phase II of Falcon Ridge; and,

WHEREAS, the building on Block No. 10, unit 5, presently encroaches onto this sanitary sewer easement; and,

WHEREAS, the encroachment is for approximately 7.2 feet and there are 12.8 feet to the sewer line which is sufficient width for maintenance; and,

WHEREAS, Bass, Nixon and Kennedy, Inc., acting on behalf of Steven Dickson Buildings, have offered to purchase the approximately 900 square feet of surplus easement for $1,000; and,

WHEREAS, Chapter 160A-266 et. seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions.

NOW, THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the herein before described surplus property to Bass, Nixon and Kennedy, Inc., acting on behalf of Steven Dickson Buildings for the sum of $1,000 provided that no upset bid in the amount prescribed by law is entered within ten (10) days of publication of notice of sale.

Section 2. That, in absence of an upset bid as provided by law, the Mayor be authorized to execute the instrument of conveyance.

Adopted: August 6, 1985

***STREET AND UTILITIES - POLICY ON ACCEPTANCE - APPROVED

Our experience with the current policy indicates that it has worked reasonably well in regular subdivisions. However, there is a need to adjust the policy to apply to multi-family, non-residential, and private street developments. Included in the Agenda packet was a proposed policy. The overall purposes of the proposed policy changes are:

1. To permit the simultaneous construction of all buildings in a project to enhance construction efficiency and economy;

2. To allow the postponement of street paving (finished surface) until heavy construction has been completed in order to protect the street surface;

3. To protect occupants by assuring fire protection and access for public services at the time of occupancy;

4. To assure timely street completion; and,

5. To provide a policy which covers all types of development and all types of street requirements.

The proposed policies were developed to accomplish these purposes either by withholding construction or occupancy permission for a portion of a project or by requiring the provision of financial security to assure street completion.

These policies have been reviewed with individuals involved in the development of property and it is believed that the proposal will protect the City and not adversely affect the development process.

Recommendation: That the revised policy be approved.

City Manager Benton briefly went over the differences in the present policy versus the proposed policy and after brief discussion, Mr. Congleton moved the new policy as presented be approved. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET IMPROVEMENT - VAN THOMAS DRIVE - APPROVED - FUNDS APPROPRIATED; CONTRACTOR TO PROCEED AS SOON AS POSSIBLE

The Council has approved this project. This is a relatively small project and Administration has negotiated a change order with the low bidder for the Spring Forest Road project. If the Council approves the bid for the Spring Forest Road project on the Consent Agenda, it would be appropriate to consider this change order of $120,753.25 for the construction of Van Thomas Drive.

Recommendation:

That Change Order 1 for P.W. 1985-3 be approved in the amount of $120,753.25 and funds transferred as outlined on the Agenda.

City Manager Benton indicated we are still one parcel short on getting construction easements and if we cannot get it the City Council may have to acquire through condemnation. Mr. Congleton moved approval of the Manager's recommendation but asked Administration to ask the contractor to move ahead as soon as possible. His motion was seconded by Ms. Cates and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 619 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 355.30
To 01-2-1030-0211	Add. Court Cost	355.30
Purpose: To purchase transcript in Civil Service Case - James Giles.		
From 18-2-1000-0001	Amusement Reserve	3,151.19
To 18-2-1000-0712	Timing Console	3,151.19
Purpose: To purchase new timing console for Optimist Pool.		
From 38-2-3340-0100	Sanderford Road	143,902.00
To 38-2-3340-0101	Sanderford Road (General)	143,902.00
Purpose: To establish account for general construction at Sanderford Road Park.		
From 38-2-3340-0100	Sanderford Road	37,198.00
From 37-2-1000-0100	Council Reserve	2,202.00
To 38-2-3340-0105	Sanderford Road (Elec.)	39,400.00
Purpose: Establish account for electrical contract for Sanderford Road Park construction project.		
From 38-2-3510-0100	Worthdale Center	179,782.00
To 38-2-3510-0101	Worthdale Center Gen.	179,782.00
Purpose: Establish account for general construction, expansion of Worthdale Community Center.		
From 38-2-3510-0100	Worthdale Center	10,023.00
To 38-2-3510-0105	Worthdale Center-Plumbing	10,023.00
Purpose: Establish account for plumbing contract, expansion of Worthdale Community Center.		

From	38-2-3510-0100	Worthdale Center	9,995.00
To	38-2-3510-0106	Worthdale Center - Electrical	9,995.00

Purpose: Establish account for electrical contract, expansion of Worthdale Community Center.

From	38-2-3510-0100	Worthdale Center	7,170.00
To	38-2-3510-0107	Worthdale Center - HVAC	7,170.00

Purpose: Establish account for HVAC contract, expansion of Worthdale Community Center.

From	06-2-7100-0002	Contingency	46,900.00
To	06-2-7050-0736	Terra Gator	2,105.00
To	06-2-7050-0620	Sludge Disposer	44,795.00

Purpose: To cover cost of two new terra gators.

From	81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
To	81-2-2110-0105	Crabtree Creek Soil Boring	5,000.00

Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

From	01-2-1040-0001	Contingency	1,600.00
To	01-2-6000-0231	Travel	1,600.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

From	01-2-1040-0001	Contingency	3,000.00
To	01-2-1100-0265	Other Services	3,000.00

Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director and financial analysis of the City Market Project.

From	01-2-1200-0230	Motor Vehicle M&O	1,080.00
To	01-2-1200-0237	Car Rental	1,080.00

Purpose: To provide funds for use of Wayne Baker (use of personal vehicle) for fiscal year.

From	35-2-1000-0100	Council Reserve	21,000.00
To	35-2-3000-0101	Leadmine Rel. Const.	16,000.00
To	35-2-3000-0103	Leadmine Rel. ROW	5,000.00

Purpose: Funds to pay for relocation of Leadmine Road.

From	38-2-3040-0100	Green Road	3,700.00
To	38-2-3040-0108	Green Rd. Interior Paint.	3,700.00

Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

From	37-2-1000-0100	Council Reserve	4,172.56
To	38-2-2040-0102	Millbrook Exchange Pool B	4,172.56

Purpose: Increasing design services fee for pool.

From	37--2-1000-0100	Council Reserve	3,800.00
To	38-2-2040-0104	Millbrook Exchange Pool D	3,800.00

Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***BID REQUEST 85-16 - AUTOMOBILES AND TRUCKS - BID AWARDED TO BOBBY MURRAY CHEVROLET AND SIR WALTER CHEVROLET

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 1, 1985, for automobiles and trucks with the results as follows:

ITEM 1. Four Door Sedan - Compact

Bobby Murray Chevrolet	$ 8,300.00
Sir Walter Chevrolet	No Bid

Recommend - Bobby Murray Chevrolet

ITEM 2. Four Door Sedan - Compact

No Bids Received

ITEM 3. Pick-UP ½ Ton

Bobby Murray Chevrolet	1 @	$ 7,450.00
Bobby Murray Chevrolet	1 @	7,800.00
Bobby Murray Chevrolet	1 @	7,870.00
Bobby Murray Chevrolet	1 @	7,980.00
Bobby Murray Chevrolet		8,334.19
Bobby Murray Chevrolet		8,475.00

Recommend - Bobby Murray Chevrolet for four trucks

ITEM 4. Cab and Chassis; 20,000 GVM - 120" C.A.

Sir Walter Chevrolet	$18,775.00
Bobby Murray Chevrolet	18,899.00

Recommend - Sir Walter Chevrolet

Recommendation: That the bid be awarded to Bobby Murray and Sir Walter Chevrolet as recommended. Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***LANDSCAPING AND TRANSITIONAL PROTECTED YARD REGULATIONS - PROPOSED TEXT CHANGE - ADVERTISE FOR PUBLIC HEARING

Included in the Agenda packet was a proposed text change which would address street frontage landscaping, parking lot landscaping, and transitional yards between differing land uses. In July, 1984, the Council held a public hearing on TC 269 which is a buffer zone ordinance. It is being renewed by the Planning Commission. This proposed text change is submitted to address current deficiencies in the landscaping of areas adjacent to public streets and the deficiencies in the landscaping requirements for parking lots. It also has an alternative approach to the transitional yard or buffer zone approach of TC 269. Since the Council will not meet again in August, it is necessary for Council, at this time, to authorize this text change if it is to be heard at the September zoning hearing. If approved, the staff, in addition to the Appearance Commission, would hold educational meetings for those who are interested prior to the hearing so that it can be better understood.

Recommendation: That the Council authorize this text change to be advertised for the September zoning hearing.

City Manager Benton briefly explained the proposed text change. Ms. Cates moved that the proposed text change be advertised for the September Zoning hearing as recommended pointing out we have needed this for a long time. Her motion was seconded by Mr. Calloway and put to vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY MARKET - LAND ACQUISITION - FUNDS APPROPRIATED

The Agenda outline a transfer in the amount of $320,000. City Manager Benton indicated this transfer is needed to proceed with condemnation and acquisition of all sites. Source of fund is City Market Code Account #34-2-3930-0100.

Recommendation: That the budget transfer be approved. Mr. Walters moved the transfer as outlined be authorized. His motion was seconded by Mr. Congleton and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 619 TF 3

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Purpose: Establish account for electrical contract for Sanderford Road Park construction project.		
From 38-2-3510-0100	Worthdale Center	179,782.00
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Purpose: Establish account for general construction, expansion of Worthdale Community Center.

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Purpose: To cover cost of two new terra gators.

From	81-2-2110-0101	Crabtree Creek O.F.A.	5,000.00
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Purpose: Contract Change Order - Atlantic Avenue & Millbrook Road - Dellinger, Inc., - #3.

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Purpose: To reimburse account for funds used for moving expenses for Parks and Recreation Director

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Purpose: Funds to pay for relocation of Leadmine Road.

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Purpose: To establish account for painting and sealing interior block work at Green Road Community Center.

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Purpose: Increasing design services fee for pool.

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Purpose: To supplement account for misc. expenses for construction of pool.

From	34-2-3930-0100	City Market	320,000.00
To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

***TOWING CONTRACTS SERVICES - MADE TO VARIOUS SERVICES

Request for proposals to provide towing services were advertised and received on July 24, 1985. The following firms submitted proposals consistent with the City's standards:

Barbours Rental and Wrecker Service
Brentwood Wrecker Service
Dunns Wrecker Service
Prices Paint and Body Shop
Reeves Wrecker Service
Stallings Wrecker Service

Recommendation: That these firms be selected for providing towing services from August 1, 1985, thru June 30, 1986.

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Congleton. Mr. Calloway questioned if bids were sent out to everyone who requested information on the bids. He indicated Roy Bryant had contacted him and he never received an invitation to bid nor did he receive an interview with the police.

He indicated Mr. Bryant in his letter made some accusations that do not sound good and he was wondering if the Mr. Bryant was given a fair opportunity to bid. City Manager Benton indicated we do not necessarily send invitations to bid to all towers. He indicated Mr. Bryant's letter came in and he asked Staff to investigate it. He indicated it is his understanding that Mr. Bryant and two others did not meet all the requirements at the required date. He stated it is his understanding they may qualify by September but it is difficult to bring someone in with the anticipation that they will qualify. Brief discussion took place with Mr. Walters pointing out this is not by bid. If a company meet certain criteria, then they can be put on the towing list. Mr. Calloway indicated he just wanted to make sure Mr. Bryant received the same information and the right to bid that other contractors received. City Manager Benton indicated he understood that his letter was not on time. The motion as stated was put to vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***GREENWAY EASEMENT - LAKE LYNN - ACCEPTANCE AUTHORIZED

City Manager Benton indicated the development known as Cumberland Cove is located adjacent to Lake Lynn. The City desires to have greenway easement across the property to allow access to the lake. The property is being sold and the owner has agreed to convey the desired easement. However, it is necessary for the Council to officially accept the land. Ms. Cates moved acceptance of the greenway easement as outlined. Her motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***WILDLIFE RESOURCES COMMISSION - WASTEWATER TREATMENT PLANT - PROJECT - AUTHORIZED

City Manager Benton explained the Staff has been discussing a special project which involves the farm land of the wastewater treatment plant. The proposal involves a special dove hunt program for youth and their parents to educate them on the ethics of hunting. The City Code prohibits hunting on this property. Administration is recommending an amendment to the Code to allow hunting when engaged in the special program which is supervised by the Wildlife Resources Commission. In exchange, the City will receive assistance in controlling the hunting during other times. Council members have received a copy of the memorandum of understanding between the Wildlife Resources Commission and the City relating to this item. Mr. Walters moved approval of the Code amendment as well as the memorandum and program. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CITY MARKET - JOSIE GALLAGHER PROPERTY - RESOLUTION OF CONDEMNATION ADOPTED

City Manager Benton indicated the City had reached a tentative agreement with one property owner to purchase property as it relates to the City Market project but that property owner has now refused to proceed with the transaction; therefore, it is recommended that the Council approve a condemnation on the property owned by Josie C. Gallagher pointing out this is Parcel A-40-5. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 907 (See Page _____).

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***COBLESTONE CLUSTER DEVELOPMENT - OPEN SPACE AGREEMENT - MAYOR AUTHORIZED THE SIGN

City Attorney McCormick indicated he had received an agreement from Coblestone Cluster Development in which they want to fulfill their open space by dedicating 4.42 acres to the City of Raleigh. He recommended that the Mayor be authorized to sign the agreement and accept this property on behalf of the City. Mr. Walters moved the Attorney's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CIVIL SERVICE COMMISSION - TRANSCRIPT - FUNDS APPROPRIATED

City Attorney McCormick indicated the Civil Service Commission met and had upheld the decision by the City Manager to dismiss a City employee. He indicated that decision is being appealed and the City needs to purchase a transcript of the hearing. Therefore, he would recommend that the City Council appropriate $355.30 so that the City can pay Margaret Powell for this transcript. Ms. Cates moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Walters and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

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Purpose: To supplement account for misc. expenses for construction of pool.

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To	34-2-3930-0101	City Market Land	320,000.00

Purpose: To proceed with condemnation and acquisition of all sites, City Market.

REPORT OF MAYOR AND COUNCIL MEMBERS

***WAKE COUNTY BOND ISSUE - RESOLUTION OF SUPPORT - ADOPTED; CITY COUNCIL TO BE AVAILABLE TO ASSIST

Mayor Upchurch presented a proposed resolution supporting the passage of the upcoming Wake County Bond Issue. He indicated Council members had received a copy of the proposed resolution in their Agenda packet and moved approval and requesting that it be sent forth to the County showing the City's support. His motion was seconded by Mr. Keller. Mr. Congleton asked that the resolution be amended by adding the following wording: further resolved that the members of the City Council as elected officials within Wake County are available to assist in speaking engagements, public meetings and other efforts that would aid in the passage of the Bond Issue with Mayor Upchurch suggesting that this be put in the cover letter with Mr. Congleton agreeing. Therefore, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 908

A RESOLUTION SUPPORTING PASSAGE OF WAKE COUNTY BOND ISSUE

WHEREAS, the City of Raleigh takes pride in its position as the Capital of North Carolina and the seat of county and municipal government; and,

WHEREAS, the City of Raleigh realizes the important leadership role for which it is responsible as the largest municipality within Wake County; and,

WHEREAS, it does, therefore, behoove the members of the Raleigh City Council to recognize that many of the goals and objectives put forth and adopted by the city and the county are of shared concern, mutual importance and ultimate benefit in terms of the quality of life enjoyed by all citizens; and,

WHEREAS, on October 8, 1985, the County of Wake will place before its voters a bond referendum encompassing matters of vital importance to each and every citizen of Raleigh and Wake County alike; and,

WHEREAS, this referendum can, if approved, provide monies for restoration and new construction of public schools, construction of a public safety center, enhanced library services, expansion of Wake Technical College, and development of additional parks; and,

WHEREAS, passage of this bond issue will contribute to the assurance that our citizens will continue to enjoy a quality life in a progressive and economically attractive environment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

To express support for the upcoming, vitally needed Wake County Bond Referendum; and, furthermore, to urge that all eligible and responsible voters of Raleigh and Wake County go to the polls on October 8, 1985, and support this proposal which is so very important to the future welfare of all of Wake County.

***OAKWOOD HISTORIC DISTRICT - COMMENTS RECEIVED

Mr. Walters indicated two houses, one from Blount and one from Poke Street, will be moved into Oakwood Historic District on Sunday, August 25 and all Council members are invited. The comments were received.

***TRAFFIC - OBSTRUCTION - REFERRED TO ADMINISTRATION

Mr. Walters indicated a Mr. Saunders telephone number 872-8059 had complained about a bush obstructing the traffic view. He asked that Mr. Saunders be contacted. Without objection, the item was referred to Administration.

***BUS ROUTE - BRENTWOOD - REFERRED TO ADMINISTRATION

Mr. Walters indicated he had received several complaints since the Brentwood bus route had been changed. He indicated two people had told him that they never picked up anyone on Greywood Drive; therefore, they would like to see the route reversed and put back the way it use to be. Without objection, the item was referred to Administration.

***TRAFFIC - LONGVIEW GARDEN SHOPPING CENTER - REFERRED TO ADMINISTRATION

Mr. Walters indicated there have been several minor traffic accidents at the entrance to the addition to Longview Garden Shopping Center. He indicated he had mentioned

this several times before. He suggested the possibility of having right turn only the same way as at the old entrance to the shopping center. He indicated if we put a "Do Not Enter" sign in the median at the Port Oil company, then he feels it would resolve some of the problems. Without objection, the item was referred to Administration.

***HANDICAPPED RAMPS - INTERSECTION OF DAWSON/MARTIN - REFERRED TO ADMINISTRATION

Ms. Cates indicated someone at Joe's Place asked her about the lack of curb cuts for the handicapped on the four corners at Dawson and Martin Streets. Without objection, the item was referred to Administration.

***CRIME AND MORTALITY RATE - ADMINISTRATION TO PROVIDE REPORT

Ms. Cates indicated she was concerned relative to recent reports that the crime rate in Raleigh is at an all time high and she would like some report explaining the high crime rate and if there is anything the Council can do to help lower the crime rate. She stated in addition she is concerned about the high mortality rate in the City of Raleigh pointing out this is a quality of life issue and she would like for Administration to respond to the recent report.

***PUBLIC NUISANCE - PETTIGREW/EAST MORGAN STREET - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he would like for Administration to check the public nuisance at the corner of Pettigrew and East Morgan Street pointing out there is a lot of clutter, litter, debris, etc., on the City right-of-way. He indicated Joe Winters, Sr., called him to go out and look at it and it looks pretty rough. He indicated it looks like someone has cut down a bunch of trees and left it on the corner which is City right-of-way. Mr Walters indicated this is a continual problem that when it is cleaned up that it will be back in the same condition in a short time. He indicated the triplex at this corner is an eye sore. Mr. Calloway indicated he understood that the residences do not conform with having the required garbage cans for proper disposal. Administration was asked to look in to the problem.

***PULLEN ROAD - RESOLUTION STATING THE POLICY OF THE CITY OF RALEIGH - ADOPTED

Ms. Block presented a proposed resolution stating the policy of the City of Raleigh regarding Pullen Road which indicates that the City of Raleigh declares that the City's policy shall be to maintain the current boundaries of Pullen Park adjacent to Pullen Road and to avoid encroachments into the park land by the general widening of Pullen Road. Ms. Block moved adoption of the resolution pointing out she feels that it will quiet a lot of complaints relative to this item. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 909

A RESOLUTION STATING THE POLICY OF
THE CITY OF RALEIGH REGARDING PULLEN ROAD

WHEREAS, Pullen Road is a two-land street extending from Hillsborough Street to Western Boulevard; and,

WHEREAS, Pullen Road forms the west boundary of Pullen Park and the east boundary of North Carolina State University; and,

WHEREAS, Pullen Park was granted to the City of Raleigh for park use only by the Pullen estate; and,

WHEREAS, Pullen Road cannot be generally widened by the City of Raleigh without encroaching onto the park land; and,

WHEREAS, the North Carolina Superior Courts have determined that the City of Raleigh may not acquire, condemn, or otherwise convert any part of the park land to street use without violating the conditions of the Pullen will and causing the park to revert to the ownership of the Pullen heirs; and,

WHEREAS, the City Council of the City of Raleigh wishes to retain the park land without encroachment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Raleigh declares that the City's policy shall be to maintain the current boundaries of Pullen Park adjacent to Pullen Road and to avoid encroachments into the park land by the general widening of Pullen Road.

***WOODS REAM DRIVE - MEDIAN DIVIDER - REFERRED TO ADMINISTRATION

Mr. Congleton indicated the residents along Woods Ream Drive are very pleased with the installation of the median. He pointed out, however, the median slopes and water stands on the street and he is afraid with winter coming on that this could freeze, causing ice on the street which would create a safety hazard. Without objection, the item was referred to Administration.

***ZONING TEXT CHANGES - FILING PROCEDURE - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Congleton indicated he is somewhat concerned about the filing of zoning text changes in which they get into the cycle and we have a public hearing and the Council is not aware of the proposed text change until the public hearing is held. He presented a proposed text change and suggested this matter be referred to the Law and Finance Committee to consider how zoning text changes should be handled. He moved that his recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

Later in the meeting, Ms. Babb indicated she would like to broaden this issue a little bit pointing out it seems that over the years that the whole thing dealing with text changes seems to have gotten out of hand and she feels that we should look at how text changes get into the process, how they are handled, etc. She indicated she would also look at the City management process moves text changes along, how they are received, if we have a clearing house, adequate files, what affect it has on the rest of the City, etc. She indicated today the Council acted on some text changes that had been in the Planning Commission for almost four years. She indicated she knew there were cases where persons entered a text change and they had never been notified as to what happened on that text change or when it was being discussed. She stated there is no time limit on how long it takes text changes to go through the process. She stated, in her opinion, she feels the whole process of handling text changes in the City isn't adequate, as matter of fact, it is sloppy, text changes do not get proper analysis and we do not have proper record keeping. Therefore, she would like to refer the whole issue that is the origin, management and resolution of text changes to Law and Finance Committee and ask Administration to prepare a summary report on how we handle them now and that Administration should feel free to make suggestions as to how we should handle them. Without objection, the entire process was referred to Law and Finance Committee.

***TRAFFIC - SPEED LIMITS AT EFFIE GREEN AND CARROLL MIDDLE SCHOOLS - REFERRED TO ADMINISTRATION

Mr. Congleton indicated recently an issue came up about Effie Green School and he did not know if the Council had received a report. He indicated he would like for Administration to look at the speed limits on Six Forks Road at Effie Green and Carroll Middle School pointing out it is his understanding there is not a school speed zone at these locations. Without objection, the matter was referred to Administration.

***INSPECTIONS - SCENIC DRIVE AT RIDGELOCK - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated there has been a problem on Scenic Drive in Ridgelock Subdivision and correspondence has been issued by Norfleet Vincent relative to a problem that should be corrected. He asked Administration to give a report.

***LITTLE LEAGUE TEAMS - PLAY OUTSIDE THE CITY - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated recently he brought up an item related to little leagues play outside the City limits. He indicated his request related to any type competition played outside the City limits and the response received was on just one event. He stated he would like to have a report relative to all types of competition outside the City.

***RALEIGH SENIOR GAMES - INSTALLATION OF EQUIPMENT - TO BE PLACED ON SEPTEMBER 3 AGENDA

Mr. Congleton indicated the Raleigh Senior Games have been working with the County and recently received a grant to put in shuffle board and horse shoe pits. He stated they have received the money and asked for assistance from the City as it relates to installation of this equipment and was told by the Parks and Recreation Director that he has staff problems and does not have time. He indicated he feels this would be good for the City; therefore, he would request that this be placed on the September 3 Agenda and allow Administration to set down with representatives from the County and the Raleigh Senior Games and he would be glad to meet with them to come up with a good well planned situation that would benefit everyone. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAXICAB REGULATIONS - COMMENTS RECEIVED

Ms. Babb questioned if the City have any regulations that would prevent a taxicab from stopping along a residential street and just waiting for the next call. City Manager Benton indicated he did not know of anything pointing out anyone can park on a residential street as long as parking is not prohibited on that street. The comments were received.

***BASEBALL IN RALEIGH - COMMENTS RECEIVED

Mr. Keller indicated he had been working on the matter relating to professional baseball in Raleigh. He indicated about a month ago everything looked very good. However, the league involked the ten mile rule. He stated, however, that the interest and the work is continuing pointing out there is still very strong interest from a number of teams and leagues in being in Raleigh. He stated he would be continuing on this work. The comments were received.

***PARKS AND GREENWAY ADVISORY BOARD - VARIOUS ACTIONS TAKEN - ORDINANCE ADOPTED

Mr. Keller indicated there area several house keeping matters that need to be taken care of in the merger of the Greenway Commission and the Parks and Recreation Advisory Board into the new Parks and Greenway Advisory Board. Mr. Keller recommended that the City Council repeal Ordinance No. 1975-972 pointing out this ordinance appointed Fred Fletcher "an honorary member of the Commission with full voting privileges". Mr. Walters moved that the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously.

ORDINANCE 1985 - 625

AN ORDINANCE TO REPEAL ORDINANCE 1975 - 972

WHEREAS, Ordinance 1975 - 972 was adopted appointing Fred Fletcher as an honorary member of the Parks and Recreation Advisory Board with full voting privileges; and

WHEREAS, Ordinance 1985 - 595 was adopted merging the Parks and Recreations Advisory Board and the Greenway Commission into the Parks and Greenway Advisory Board;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

That Ordinance No. 1975 - 972 be repealed in its entirety as it is understood that Fred Fletcher's membership on the new Board would be carried forward just like other members but like other members his appointment would be for the regular two-year period and would be subject to rules and regulations relative to eligibility to serve.

Mr. Keller indicated David King is presently chairman of the Greenway Commission and he will be going off with the new Board in October, 1985. Therefore, he would move that the Council ask him to serve as acting chairman at the initial session to preside over the election of the new officers of the new Board. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and passed unanimously.

Mr. Keller indicated Fred Fletcher's membership on the new Board should be carried forward just like other members; but, like other members, his appointment would be for the regular two-year term. He moved that this recommendation be upheld. His motion was seconded by Mr. Walters. Mr. Congleton indicated he had a little bit of problem with this pointing out he knows it has been an issue. He indicated he feels the City Council made the right decision in merging the Board but he does feel that because a previous City Council has had appointed Mr. Fletcher as a life-time member, that commitment should be honored and he feels it would be better for Mr. Fletcher to continue to serve. He indicated he had always had problems with giving something to someone and then taking it away. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton and Ms. Babb who voted in the negative. The Mayor ruled the motion adopted.

***STATE DOT MEETING - COMMENTS RECEIVED

Mayor Upchurch indicated there will be a social hour at the Hilton on Thursday night in honor of the State DOT Board. He invited and urged all Council members to attend pointing out these are very important people. He indicated on Friday he would be going before the Board to present the City's request and urged all Council members to attend.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - JULY 16 and 18 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the July 16, 1985, Council meeting and the July 16 and 18 rezoning hearing. Mr. Walters moved the minutes be approved as presented. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WAKEFIELD SUBDIVISION - SEWER EASEMENT EXCHANGE - RESOLUTION ADOPTED

During the June 18, 1985, Council Meeting, the City Council adopted a resolution of intent to exchange sanitary sewer easements relating to Wakefield Subdivision, Lots A-2 and B. The proper procedures have been followed, therefore, it is recommended that the City Council adopt a resolution exchanging the sanitary sewer easements as advertised. Mr. Walters moved adoption of the resolution as recommended. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-910

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN SANITARY SEWER EASEMENTS

WHEREAS, on June 18, 1985, the City Council adopted Resolution No. 1985-833 relating to the City's intent to exchange sanitary sewer easements involving Wakefield Subdivision, Lots A-2 and B;

WHEREAS, all procedures as set out in General Statutes 160A-271 have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the easements as outlined in Resolution No. 1985-833 be exchanged and appropriate maps recorded.

***TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received five proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. It is also recommended that the City Council approve the listings as submitted by the Wake County Tax Supervisor for refunds made during April, May, and June for clerical errors. Mr. Walters moved adoption of the resolutions and listings as recommended. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 911

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Dillon Supply Company	01-1-50007768	$166.14	Error-Illegal Bill
1984	Melvin, James M. & Dorothy P.	01-2-0046886	20.80	Error-Illegal Bill
1984	Millbrook Village Assoc.	13-1-5256654	690.24	Error-Illegal Bill
1984	Taylor, James J. & Juanita C.	01-2-0042359	23.34	Error-Illegal Bill
1983	Younger Days, Inc.	17-1-5239455	204.40	Error-Illegal Bill
1984	General Electric Credit Autolease	01-1-5224265	48.88	Error-Illegal Bill
1984	Lynch, Isma J. W.	01-2-0043153	80.51	Error-Illegal Bill
1984	Tomczak, Roman M. & Shirley M.	01-2-0071033	21.35	*Interest Refund
1984	Wafel, Charles Edward, Jr.	01-8-5489841	35.61	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 8/6/85

RESOLUTION NO. (1985) 912

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	David S. Dunakin	07-2-5285745	$ 3,680	Relieved
1985	Pamela Kim & James Grob	07-2-5285739	12,640	Relieved
1985	Esther Justein Beckwith	18-2-5283938	1,020	Relieved
1985	Gould, Inc.	01-7-5285682	1,005	Relieved
1985	Mack & Blandeanea Harris	01-2-0023441	2,574	Relieved
1985	Bret S. Keeney	01-2-5284238	3,858	Relieved
1985	Leasing Associates,	01-1-5285679	30,130	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1985	Greyhound Capital Corp.	$135,062
1985	Greyhound Capital Corp.	1,800
1985	Greyhound Capital Corp.	10,138

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1985) 913

A RESOLUTION APPROVING TAXATION EXEMPTION AS DESCRIBED HEREIN

WHEREAS, pursuant to G. S. 105-278, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to apply for tax release was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following named person be approved for tax exemption:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1985	American Cancer Society	$510,039	Granted
1985	North American Islamic Trust, Inc.	81,200	Granted
1985	Wake Enterprises, Inc.	296,540	Granted

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1985) 914

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Coggins, Elizabeth Paul	18-2-5453956	$12.83	Error-Illegal Bill
1983	GMAC Leasing Corporation	01-1-5219085	73.53	Error-Illegal Bill
1984	Marshburn, Herman W. & Nancy Clay	01-2-0044234	86.91	Error-Illegal Bill
1984	Wells, Donald Paul	01-2-5252130	6.68	Error-Illegal Bill

Section 2. That the City/Council Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1985) 915

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfactory of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	Media Specifics, Inc.	01-1-5286401	$5,640	Relieved

Section 2. That the following request for relief be denied:

YEAR	TAXPAYER	TAX VALUE
1985	James McGraw, Inc.	$342,279

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

***PRELIMINARY ASSESSMENT ROLL - VARIOUS - RESOLUTIONS ADOPTED

The following preliminary assessment rolls were presented which are recommended for adoption which will set a public hearing to consider confirmation of the charges during the September 3, 1985, Council Meeting:

Water AR-1023 - Duraleigh Road

Water AR-1023A - Duraleigh Road (Outside the City Limits)

Water AR-1024 - Duraleigh Road (Outside the City Limits)

Mr. Walters moved adoption of the resolutions as recommended. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 916

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1023

WHEREAS, by Resolution No. 1984-656 adopted by the City Council on November 20, 1984 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1984-10 - Installation of approximately 2,000 feet of 16-inch ductile iron water main beginning at the existing 16-inch water main on Highway 70, thence south down Duraleigh Road to tie into the existing 16-inch water line at Delta Lake Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $18,166.98.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
N. G. Jones & Etal.	3	0037373		496.67	$4,415.40
Carlton Midyette, Jr.	4	0056963		119.19	1,059.60
Carlton Midyette, Jr.	5	0099899		721.77	6,416.54

Public Service Company of N.C., Inc.	6	0124854	117.50	1,044.57
Gardner Properties	7	0049034	111.00	986.79
Tri-City Builders	8	0101400	92.06	818.41
Dar-J, Inc.	9	0101403	162.58	1,445.34
Dar-J, Inc.	10	0009465	153.96	1,368.70
Ronald H. Williams and Wife Lana S.	11	0077869	68.80	611.63

Cost Per Foot: $8.89

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1023 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of September, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/6/85

RESOLUTION NO. (1985) 917

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1023A

WHEREAS, by Resolution No. 1984-656 adopted by the City Council on November 20, 1984 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1984-10 - Installation of approximately 2,000 feet of 16-inch ductile iron water main beginning at the existing 16-inch water main on Highway 70, thence south down Duraleigh Road to tie into the existing 16-inch water line at Delta Lake Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $6,456.81.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Duraleigh Assoc., Ltd.	1	0056968		162.93	$1,448.45
Huntington Hills, Ltd.	2	0124812		.563.37	5,008.36

Cost Per Foot: $8.89

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1023A is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of September, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/6/85

RESOLUTION NO. (1985) 918

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1024

WHEREAS, by Resolution No. 1985 - 745 adopted by the City Council on March 19, 1985 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU 1985-7 - Installation of approximately 4,100 linear feet of 16-inch ductile iron water main along Duraleigh Road, from existing water main at intersection of Ebenezer Church Road to Richards Development.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $67,866.65.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Lois W. Evans	1	0021214	1	170.00	$1,511.30
Jada R. Morgan and Rachel	2	0048987	2	150.00	1,333.50

Baldwin R. Mitchell and Rebecca	3	0047690	3	142.00	1,262.38
Baldwin R. Mitchell and Rebecca	4	0015709		1,043.46	9,276.36
Baldwin R. Mitchell and Rebecca	5	0047689		942.75	8,381.05
Richlands Properties, Inc.	6	0055709		1,104.82	9,821.85
Twin Pines, Ltd.	7	0043736		339.64	3,019.40
William E. Mangum and Geraldine	8	0043738		1,360.26	12,092.71
Villa Estates, Inc.	9	0072827		1,455.02	12,935.13
David M. Neely	10	0012699	2	162.00	1,440.18
Frederick W. Jeffries, Jr.	11	0012700	1	236.52	2,102.66
Planned Properties, Inc.	12	0002352		527.52	4,689.65

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1024 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of September, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/6/85

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:30 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

cmc/bb1-ibm1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, August 6, 1985, at 7:00 p.m. in the City Council Chamber, Room 201 of the Raleigh Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following matters were discussed with action taken as shown:

REQUEST AND PETITIONS OF CITIZENS

***TRASH ORDINANCE - REMOVED FROM THE AGENDA

Mr. E. Dwayne Adkins had requested permission to discuss the trash pick up ordinance as it relates to "so called" building materials. Mr. Adkins was not at the meeting and City Manager Benton indicated he was not sure of Mr. Adkins concerns; therefore, would have no comments. Without objections, the item was removed from the Agenda with no action taken.

***BARB WIRE - REQUEST FOR PROHIBITION IN THE CITY - REFERRED TO THE LAW AND FINANCE COMMITTEE

Geraldine Stancil, 317 Latimer Road, indicated on May 1, 1985, her son was critically injured when he run into some barb wire at the corner of Ivey Lane and Falls of Neuse Road. She explained that her son and a friend were riding bicycles on Ivey Lane and were met by a UPS truck and the boys had to split. Her son went up into a yard in which the property owner had strung barb wire under the tree. She indicate her son was in the emergency room over 4 hours and had torn a muscle in his leg and they do not know how permanent this damage would be. She stated she was at the meeting to ask the City Council to prohibit the use of barb wire in the City of Raleigh so no one elses child will be hurt. She indicated the land is not marked nor posted and the police came out and requested the gentlemen to put up some type reflectors to show the barb wire and he put in a couple of aluminum plates. She stated this is commercial barb wire. Mayor Upchurch pointed out that this is on private property but may be Administration should look into it. Ms. Babb indicated she would like to look at this in Law and Finance Committee and so moved. Without objections, the item was referred to Law and Finance Committee.

***BOYLAN HEIGHTS - SUBDIVISION - REMOVED FROM THE AGENDA

Ms. Genevine Chappell had requested permission to discuss a subdivision problem in Boylan Heights relating to property at 802 West South Street/610 South Boylan Avenue. It was pointed out that this request had been withdrawn from the Agenda.

***ENCROACHMENT - 205 WEST MARTIN STREET - APPROVED CONDITIONALLY

Duncan Archibald McMillan was at the meeting representing the 205 West Martin Street Partnership which has purchased the property at 205 West Martin Street. He indicated the Partnership is in the process of renovating the existing building which encroaches 3/10's of a foot on City property. He indicated in order to effectuate their renovation plan they would need an additional three inches of land or be allowed to encroach an additional three inches on the City right-of-way. City Manager Benton indicated the Inspections Department has no objection subject to the execution of encroachment agreements relative to this location as long as all applicable codes are satisfied. Mr. Walters moved approval of the encroachment as requested provided the standard encroachment agreement is executed. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET CLOSING - MAYWOOD AVENUE - AUGUST 24, 1985, APPROVED

Representatives of WSES Radio Station were at the meeting to request permission to block Maywood Avenue between the 500 and 700 blocks on August 24, 1985, between 12 noon and 6 p.m. in celebration of their first anniversary of service. City Manager Benton indicated Administration has no objection subject to their providing barricades and other requirements as necessary to actually close the streets. Mr. Calloway moved approval of the street closing as requested. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET CLOSING - MORGAN STREET - NOVEMBER 11, 1985, APPROVED AS REQUESTED

Otis Newberry representing the Wake County Veteran's Council was at the meeting to request permission to block Morgan Street between Salisbury and Wilmington Streets on November 11, 1985, at 10 a.m. for a celebration and parade commemorating Veteran's Day. He also requested waiver of the $50 filing fee.

City Manager Benton indicated Morgan Street is a major Downtown street and Administration does have some problem with blocking the street. He indicated if they could utilize Salisbury or Wilmington Street it would be much better from an Administrative standpoint. Mr. Walters pointed out this is the third year that his parade will have been held and it has not created any problems in the past. He pointed out that the citizens gather on the Mall where the viewing stand will be erected and it will not tie up Morgan Street that long. The route of the parade and how long the parade would take was discussed. City Manager Benton indicated this is a little more than a parade that they want to end the parade and then block the street and have speeches. Mr. Walters indicated the few remaining veterans of War World I will have honored spaces and he sees no reason why we should not approve this. Therefore, he would move approval of the request as stated and waiver of the filing fee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - 1215 HILLSBOROUGH STREET APPROVED SUBJECT TO ENCROACHMENT AGREEMENT BEING EXECUTED

Dan Roebuck was at the meeting to request an encroachment to allow the existing awning to remain at 1215 Hillsborough Street. He indicated the awning is actually on the Ashe Avenue side and encroaches over the sidewalk approximately 42 inches. He pointed out it is at the required height. City Manager Benton indicated Administration has no objection to the awning remaining subject to the encroachment agreement being executed. Mr. Walters moved the encroachment be allowed as outlined. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET IMPROVEMENT - LUNDY DRIVE - RESOLUTION OF INTENT ADOPTED

Ken Martin representing Thom Williams and Associates was at the meeting indicating the company owned about 15 acres on the east side of Jones Franklin Road. He indicated this has been a dirt road for a number of years and the only tract not developed is the one that his client owns. He indicated this represents about 40% of the frontage. He indicated they got a petition for improving the street which was signed about 55% of the frontage but the staff tells him he has to get it signed by 50% of the owners. He indicated the other parcels of land are developed and it is rental property and no real desire to improve the street. He pointed out in addition some of the property fronts on Athens Drive and backs up to this road. He stated the chances of getting a sufficient petition for the paving are slim. He indicated their project will add 78 units to this street and they feel it should be improved. Therefore, he is at the meeting asking the City to consider force paving the street.

City Manager Benton indicated several years ago our records indicate that a petition was circulated but they could not get a sufficient petition. He indicated the City Council has the authority to institute a paving project without the existence of a petition and if the Council wish to pursue this, the next step would be adoption of a resolution of intent which would set a public hearing. In response to questioning, Mr. Martin indicated there are 15 to 20 units on this street now and approximately 11 property owners. Brief discussion took place after which Mr. Keller moved adoption of a resolution of intent pointed out with an additional 78 units on this street he feels it should be improved. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-919

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving thirty-one feet back-to-back on Lundy Drive from Jones Franklin Road to the cul-de-sac.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each

street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 3rd day of September, 1985, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: 8/6/85

***MARSH CREEK - DEVELOPMENT - COMMENTS RECEIVED

Pam Stirrat was at the meeting indicating she is concerned about the development occurring along the floodplain area of Marsh Creek. She indicated the Corp of Engineers plan to do another survey within two years but with the amount of development that is occurring, she feels that it should be done earlier. Ms. Block indicated the City has a contract for computer analysis on the effect of the Marsh Creek by development and hopefully this would be received by October 1. No further action was taken.

***LANDFILL - FLOOD EASEMENT GRANTED TO TRIANGLE INVESTMENT PARTNERS - APPROVED

Jamie Gregory, 2604 Lakeview Drive, was at the meeting representing Triangle Investment Partners. He indicated they would like to request a flood easement from the City for a small area of the City Landfill so that they can record a map for their development. City Manager Benton indicated Staff has reviewed this and it does not conflict with the City's land use for the landfill. In response to questioning, Mr. Gregory indicated they have put in a road and they have to get a flood easement from the adjacent property owners before they can record the map and the City of Raleigh is an adjacent property owner. Mr. Walters moved the request be granted. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None.

MATTERS SCHEDULED FOR PUBLIC HEARING

***ASSESSMENT ROLL 688 - LENOIR STREET - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider adopting a resolution confirming charges for street improvements on Lenoir Street according to charges outlined in Resolution 1985-878 adopted July 16, 1985. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing to the public.

Dr. Thomas Key, his wife and son were at the meeting pointing out since this work has been completed they have found that the City has taken part of their property - Lots 15A and 16A, Block E, and have made a flood zone by placing a culvert and water drainage area in this vicinity. He indicated in addition, he feels that the City has gone about 12 feet into the property beyond what is normally required. He indicated he has been trying for the last several months to get this matter resolved by talking to the City Attorney, the Assistant Public Works Director and the Chief Engineer. All of whom have said they would see what could be done but nothing has occurred. He

indicated he has serious reservations about paying an assessment until he can get a satisfactory response from the City. He indicated he does not hesitate to pay anything he owes but he is concerned about the situation that the property has been left in. No one else asked to be heard, thus the hearing was closed. Mr. Calloway moved that Assessment Roll 688 be referred to Public Works Committee. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ASSESSMENT ROLL 1022 - MILLBROOK ROAD - HEARING - CHARGES CONFIRMED

This was a hearing to consider adopting a resolution confirming charges for the installation of a sanitary sewer in the new alignment of Millbrook Road according to charges outlined in Resolution 1985-879 adopted on July 16, 1985. It was pointed out these improvements are outside the City Limits; therefore, the charges are not effective until tap on or annexation. Chief Engineer Thomas explained the work that has been completed. Mayor Upchurch opened the meeting to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 920

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1022

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 6th day of August, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985 - 879 adopted on the 16th day of July, 1985, which assessments appear on "The City of Raleigh Special 1022," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: August 6, 1985

Effective: Upon annexation or tap-on to the line.

***ASSESSMENT ROLL 697 - SHERMAN STREET - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the street improvements on Sherman Street according to charges outlined in Resolution 1985-860 adopted on July 2, 1985. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 924

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 697

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 6th day of August, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985 - 860 adopted on the 2nd day of July, 1985, which assessments appear on "The City of Raleigh Special 697," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: August 6, 1985

***PU 1985-17 - US 70 WEST - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 20,000 feet of 16-inch water main beginning at Hillburn Road (on U.S. 70 West) thence in a westerly direction along U.S. 70 West to the new Airport Road and then down the Airport Road to where the new road intersects with the old road at the Airport property. (This property is outside the City Limits, therefore, the assessment would not be effective until tap-on or annexation into the City.) Public Utilities Director Simmons explained the proposed project. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 921

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-17 Installation of approximately 20,000 feet of 16-inch water main beginning at Hillburn (on U.S. 70 West) in a western direction along Highway 70 to the new Airport Road thence down Airport Road to where the new road intersects the old road at the airport property line (this property is outside the City Limits therefore assessment would be due upon tap-on or annexation into the City).

PU 1985-18 Installation of approximately 250 feet of 8-inch sewer main beginning at the existing sewer in Summit Springs Apartment Project (located off Lynn Road) south to property line with assessment on the per lot basis to apply.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: August 6, 1985

***PU 1985-18 - SUMMIT SPRINGS APARTMENT AREA - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 250 feet of 8-inch sewer main beginning at the existing sewer in Summit Springs Apartment Project southward with assessment on a per lot basis to apply. Public Utilities Director Simmons explained the proposed project. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 921

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-17 Installation of approximately 20,000 feet of 16-inch water main beginning at Hillburn (on U.S. 70 West) in a western direction along Highway 70 to the new Airport Road thence down Airport Road to where the new road intersects the old road at the airport property line (this property is outside the City Limits therefore assessment would be due upon tap-on or annexation into the City).

PU 1985-18 Installation of approximately 250 feet of 8-inch sewer main beginning at the existing sewer in Summit Springs Apartment Project (located off Lynn Road) south to property line with assessment on the per lot basis to apply.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: August 6, 1985

***ANNEXATION - CAPITAL CENTER - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE DECEMBER 31

This was a hearing to consider the contiguous annexation of property known as Capital Center. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the area proposed for

annexation. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of an Ordinance annexing the property effective December 31, 1985, and adoption of a resolution placing this property in City Council Electoral District D. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 626

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS CAPITAL CENTER

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on August 6, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1985:

CAPITAL CENTER
EXHIBIT A

Located in Swift Creek Township, Wake County, North Carolina, and more particularly described as follows:

BEGINNING at a p.k. nail located at the intersection of the western edge of the right of way of Jones Franklin Road (S.R. 1319) and the centerline of the right of way (30 feet in width) of Denise Drive and running thence with said centerline of Denise Drive thru (3) calls as follows: (1) North 85 degrees 07 minutes 01 seconds West 524.48 feet to a p.k. nail set, (2) North 78 degrees 24 minutes 22 seconds West 144.12 feet to a p.k. nail and (3) North 65 degrees 37 minutes 29 seconds West 203.64 feet to a p.k. nail set; thence South 18 degrees 23 minutes 58 seconds West 15.08 feet to an iron pipe set, the northwest corner of Lot 9 of Lloyds Little Acres according to plat recorded in Book of Maps 1957, Page 65, Wake County Registry, North Carolina; thence with the western property line of said Lot 9 South 18 degrees 23 minutes 58 seconds West 126.98 feet to an iron pipe set, the northwest corner of Lot 10 of said Lloyds Little Acres; thence with the northwestern property line of said Lot 10 South 42 degrees 12 minutes 22 seconds West 145.43 feet to an iron pipe set, the northwest corner of Lot 11 of said Lloyds Little Acres; thence with the northwestern property line of said Lot 11 South 55 degrees 03 minutes 59 seconds West 201.87 feet to an iron pipe set, the northwest corner of Lot 12 of said Lloyds Little Acres; thence with the western property line of said Lot 12 South 08 degrees 41 minutes 15 seconds East 116.32 feet to an iron pipe set in the northern property line of the now or formerly Blanche H. Noell property, said point being the southwest corner of said Lot 12, said point also having North Carolina Grid Coordinates of N = 733,306.74 and E = 2,080,037.57; thence with said Noell property line North 89 degrees 05 minutes 21 seconds West 827.42 feet to an iron pipe set located in the eastern edge of the right of way of the interchange of Interstate 40 and U.S. Highway 1 and 64; thence with said right of way line as it becomes the southeastern edge of the right of U.S. Highway 1 and 64 thirteen (13) calls as follows: (1) North 11 degrees 06 minutes 11 seconds East 36.31 feet to an existing right of way monument, (2) North 21 degrees 52 minutes 42 seconds East 70.25 feet to an existing right of way monument, (3) North 22 degrees 49 minutes 34 seconds East 202.09 feet to an existing right of way monument, (4) North 31 degrees 23 minutes 01 seconds East 235.13 feet to an existing right of way monument, (5) North 24 degrees 42 minutes 29 seconds East 93.13 feet to an existing iron pipe, (6) North 24 degrees 47 minutes 41 seconds East 90.00 feet to an existing right of way monument, (7) North 33 degrees 32 minutes 58 seconds East 312.67 feet to an existing right of way monument, (8) North 58 degrees 38 minutes 26 seconds East 224.43 feet to an existing right of way monument, (9) North 69 degrees 26 minutes 09 seconds East 252.24 feet to an existing right of way monument, (10) North 72 degrees 14 minutes 58 seconds East 201.16 feet to an existing right of way monument, (11) in a northeasterly direction along a curve to the right having a radius of 11,584.16 feet a chord distance and bearing of North 70 degrees 16 minutes 52 seconds East 662.62 feet to an existing right of way monument, (12) North 68 degrees 45 minutes 07 seconds East 385.51 feet to an existing iron pipe and (13) South 62 degrees 19 minutes 13 seconds East 84.19 feet to an iron pipe set, a corner of the now or formerly F. S. Worthy, Jr. property; thence with said Worthy property line Seven (7) calls as follows: (1) South 51 degrees 59 minutes 58 seconds West 126.44 feet to an existing iron pipe, (2) South 14 degrees 20 minutes 02 seconds West 200.87 feet to an existing iron pipe, (3) South 16 degrees 55 minutes 39 seconds West 274.40 feet to an existing iron pipe, (4) South 18 degrees 13 minutes 38 seconds West 161.95 feet to an existing iron pipe, (5) South 02 degrees 01

minutes 33 seconds West 103.93 feet to an existing iron pipe, (6) South 12 degrees 03 minutes 01 second East 115.47 feet to an existing iron pipe and (7) South 30 degrees 26 minutes 29 seconds East 110.29 feet to an existing iron pipe located in the western edge of the right of way of Jones Franklin Road; thence with right of way line of Jones Franklin Road three (3) calls as follows: (1) South 21 degrees 37 minutes 33 seconds West 16.29 feet to an existing iron pipe, (2) South 18 degrees 49 minutes 24 seconds West 97.75 feet to an iron pipe set and (3) South 18 degrees 49 minutes 24 seconds West 136.70 feet to the point and place of BEGINNING, containing 41.302 acres, according to plat entitled "PROPERTY OF CAPITAL CENTER ASSOCIATES SWIFT CREEK TOWNSHIP - WAKE COUNTY, N.C." dated November 12, 1984, prepared by Armstrong and Associates, Inc.

The above-described property is all of the property conveyed to Capital Center Associates by deed recorded in Book 3353, Page 613 Wake County Registry, North Carolina.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1985.

Adopted: 8/6/85

Effective: 12/31/85

RESOLUTION NO. (1985) 922

A RESOLUTION TO AUTHORIZE THE INCLUSION OF ARDEN CIRCLE IN DISTRICT E AND CAPITAL CENTER IN CITY ELECTORAL DISTRICT D

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1985) 626 and Ordinance No. (1985) 627 adopted August 6, 1985 annex a parcel of land being commonly referred to as Arden Circle (Ord. 627) and Capital Center (Ord. 626) and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E (Arden Circle) and District D (Capital Center) is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Arden Circle and Capital Center as described in Ordinance No. (1985) 626 and 627 be added to City Electoral Districts E (Arden Circle) and D (Capital Center).

Adopted: 8/6/85

Effective: August 31, 1985 (Arden Circle)
December 31, 1985 (Capital Center)

***ANNEXATION - ARDEN CIRCLE - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE AUGUST 31

This was a hearing to consider the contiguous annexation of property known as Arden Circle. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the area proposed for annexation. Ms. Cates pointed out she had been advised by the City Attorney that she need not be excused from participation in this matter even though she has an interest in the property. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of an ordinance annexing the property effective August 31, 1985, and adoption of a resolution placing the property in City Council Electoral District E. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 627

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS ARDEN CIRCLE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake

County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council will be held on August 6, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of August 31, 1985:

ARDEN CIRCLE

BROADDUS TRACT:

BEING Lots 1,2, 3 and 4 as shown on map of Blueridge Village recorded in Book of Maps 1948, Page 109, Wake County Registry, further described by metes and bounds as follows:

BEGINNING at a point in the Western edge of Ebenezer Church Road, Northwest right-of-way of Arden Circle; thence in a Southwestern direction with a Northern right-of-way of Arden Circle a distance of 848.91 feet to the Southwest corner of Lot 4; thence North 19° 01' 24" West 318.87 feet to the Willett's easement; thence with the Willett's easement, North 70° 54' 01" East 462.83 feet to a point and or near the Southwestern right-of-way of Ebenezer Church Road; runs thence South 66° 34' 45" East 269.02 feet along or near the Southwestern right-of-way of Ebenezer Church Road to the point of Beginning and containing 4.0627 acres.

Together with the rights of petitioners of Arden Circle and Ebenezer Church Road.

TRACT 2:

BEING all of Lot 30, Blueridge Village, according to map recorded in Book of Maps 1948, Page 109, Wake County Registry, further described by metes and bounds as follows:

BEGINNING at a point, Northeastern corner of this Lot in the Southern edge of Arden Circle; thence South 70° 46' 37" West 370.87 feet to a point; thence South 18° 31' 18" East 151.08 feet; thence South 72° 32' 15" East 177.77 feet to the Western edge of another section of Arden Circle; thence North 17° 02' 25" East 161.93 feet and North 27° 27' 40" East 184.69 feet to the point of Beginning.

Together with the rights of the petitioners in Arden Circle.

TRACT 3 and 4.

BEING Tract 2 and 3, according to a plat entitled "Recombination of Lot 7-12, Blueridge Village and Adjacent Tract" dated December 1, 1978, recorded in Book of Maps 1978, Page 861, Wake County Registery, described by metes and bounds as follows:

BEGINNING at the Northeastern corner of this Tract; thence South 80° 59' 41" West 558.34 feet to a point in the center of CP&L easement; runs thence South 80° 57' 46" West 417.48 feet; thence North 86° 45' 51" West 9.39 feet and thence North 46° 09' 30" West 65.12 feet to a point in the center of a creek (formerly known as Emerly Creek) thence in a general Southeastern direction as said Creek Meanders along the Western edge of this property a distance of 882.77 feet to a point; thence leaving the creek and running South 76° 49' 42" East 10.67 feet and South 76° 49' 41" East 524.64 fee to the Western edge of Arden Circle; thence in a Northeasterly direction with the Northwest right-of-way of Arden Circle, a distance of 612.90 feet to a point; thence leaving Arden Circle North 09° 32' 26" West 512.39 feet to the point of Beginning and containing 12.533 Acres.

Together with the rights of the petitioners in Arden Circle.

Tract 5

Located in Meredith Township and described as follows:

BEGINNING at an iron stake, the easternmost corner of Lot 30, Blueridge Village, according to map recorded in Book of Maps 1948, Page 109, Wake County Registry; runs thence along the southeastern line of Lot 30, South 27° 27' 40" West 172.90 feet to an existing iron pipe; runs thence South 17° 02' 25" West 161.93 feet to an iron pipe runs thence North 72° 32' 15" West 177.77 feet to an existing iron pipe; thence North 18° 31' 18" West 201 feet to a stake in the northern line of Arden Circle, South 70° 46' 37" West 299.95 feet to an existing iron pipe, and South 70° 46' 37" West 99.87 feet to an existing iron pipe; thence continuing with the right-of-way line of Arden Circle as it curves in a southwestern direction, the curve having a radius of 312 feet and an arc of 361.17 feet, the chord bearing being South 37° 44' 01" West to an existing iron pipe; runs thence North 86° 22' 12" West 535.32 feet to a stake in the center line of a branch, now or formerly known as Horne Branch; runs thence along the center line of said branch as it meanders in a southeasterly direction to a point the

traverse line long said branch being as follows: South 40° 03' 15" East 93.98 feet, South 28° 27' East 72.15 feet, South 83° 15' 30" West 41.37 feet, South 31° 24' 52" East 75.47 feet, South 72° 02' 03" East 38.97 feet, South 31° 03' 12" East 105.29 feet, South 45° 05' 57" West 33.66 feet, South 47° 07' 42" East 67.30 feet, South 16° 34' 57" East 112.91 feet, South 03° 37' 56" East 147.68 feet, South 39° 17' 36" East 97.68 feet, South 68° 50' 25" East 82.14 feet, South 38° 43' 32" East 87.40 feet, South 39° 09' 08" East 128.61 feet, South 32° 59' 27" East 82.11 feet, South 73° 01' 06" West 51.58 feet, North 65° 30' 08" West 70.17 feet, South 15° 30' 34" West 119.35 feet, South 44° 18' 32" East 82.09 feet, North 62° 21' 05" East 58.94 feet, South 60° 46' 24" East 135.38 feet, South 43° 14' 57" West 43.36 feet, South 14° 09' 08" West 49.81 feet, South 52° 42' 33" East 73.15 feet, South 66° 50' 32" East 110.49 feet, North 75° 58' 57" East 67.77 feet, South 37° 30' East 91.06 feet, South 01° 07' 22" East 60.66 feet, South 60° 57' 22" East 47.92 feet, North 69° 31' 35" East 62.46 feet, South 59° 48' 38" East 62.40 feet South 08° 38' 01" East 62.28 feet, North 86° 12' 26" East 62.6 feet South 11° 47' 06" West 83.16 feet, South 76° 01' 10" East 119.57 feet, North 18° 38' 20" West 77.60 feet, South 80° 23' 15" East 132.09 feet, South 50° 26' 22" East 120.56 feet, North 35° 36' 33" East 114.19 feet, South 88° 11' 15" East 102 feet, and North 43° 26' 57" East 44.89 feet to an existing iron pipe near the North bank of said branch; runs thence North 07° 45' 11" West 1215.82 feet to an existing iron pipe; runs thence North 81° 47' 15" East 384.52 feet to a concrete monument; runs thence North 06° 38' 51" West 445.1 feet to an iron pipe; runs thence North 50° 02' 29" West 468.47 feet to an iron pipe, the point and place of Beginning, and containing 45.6180 total net acres, exclusive of CP&L right-of-way and right-of-way of Arden Circle, with a total of 49.628 acres which includes the CP&L right-of-way and which excludes the right-of-way of Arden Circle.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective August 31, 1985.

Adopted: 8/6/85

Effective: 8/31/85

RESOLUTION NO. (1985) 922

A RESOLUTION TO AUTHORIZE THE INCLUSION OF ARDEN CIRCLE IN DISTRICT E AND CAPITAL CENTER IN CITY ELECTORAL DISTRICT D

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1985) 626 and Ordinance No. (1985) 627 adopted August 6, 1985 annex a parcel of land being commonly referred to as Arden Circle (Ord. 627) and Capital Center (Ord. 626) and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E (Arden Circle) and District D (Capital Center) is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Arden Circle and Capital Center as described in Ordinance No. (1985) 626 and 627 be added to City Electoral Districts E (Arden Circle) and D (Capital Center).

Adopted: 8/6/85

Effective: August 31, 1985 (Arden Circle)
December 31, 1985 (Capital Center)

***TELECOMMUNICATIONS TOWER - WEST HARGETT STREET - HEARING - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a hearing to consider an application from GTE Sprint for the installation of a 450-foot telecommunication tower on property located on the north side of West Hargett Street between Boylan Avenue and West Street. City Manager Benton presented Council Members with a chart giving information on the proposal showing how the height of the proposed tower correlates with heights of other towers in the City. Planning Director Chapman went over the six conditions required to be met for a condition use permit to construct a telecommunications tower on a non-residentially zoned property pointing out Code Section 10-2033(L) lists these conditions. He explained how this request meets those conditions. The Mayor opened the hearing to the public.

Gary Joyner, Attorney at Law, was at the meeting representing GTE Sprint. He indicated several representatives of GTE Sprint were at the meeting to answer any questions and introduced the gentlemen. Mr. Joyner indicated approximately two years ago GTE decided to come to Raleigh and begin searching for a suitable site for a telecommunication tower. He indicated they need a site inside Raleigh proper and also need a site close to the local telephone company. He indicated local service would be hooked up to the towers which are spaced at 32 miles intervals. He indicated John Sinclair of GTE Sprint came to the City and asked what restrictions would apply and received a copy of the 1983 ordinance relative to telecommunications tower. He indicated it listed the six criteria which they have met. He indicated this particular piece of property is zoned Industrial-2. He explained GTE Sprint looked at approximately ten other sites in Raleigh and they decided that this was the best location because of it proximity to the telephone company and it was in the right zoning classification. He indicated they have met all of the criteria and have submitted documentation required. Therefore, they feel they have done everything they could have possibly done to insure that all requirements are adhered to. Mr. Sinclair indicated the representatives of GTE Sprint are at the meeting and would be glad to answer any questions pointing out they are attempting to comply with the regulations of the City of Raleigh.

Ms. Cates questioned what this tower will look like and whether it will be similar to the ones on Hillsborough Street. Other discussion took place as to the height of the WRAL tower on Western Boulevard with it being reported by a lady in the audience that that tower is 300 feet. In response to questioning, Mr. Sinclair indicated FAA regulations requires that anything over 200 feet in height have lights on it approximately 50 to 100 feet apart, therefore, this tower will have lights. Ms. Block indicated since this is not a residential area nor abutting a residential area, she understands that no screening would be required. Ms. Sinclair indicated they can screen along the fence if the City requires it and can place certain screening around the base but there is no way they can screen a 425 foot tower.

Christine Baermann, 120 Hawthorne Road, was at the meeting and presented the following prepared statement:

Although I am vice-chairman of the Hillsborough CAC, we have not had time to meet and I have only gained reaction to the GTE tower from a few citizens in our area. These remarks reflect those conversations and my own opinion as a resident of Cameron Park.

May I urge that all decisions be postponed concerning the tower until much more information is available. Some primary unanswered questions are:

1. How many towers will be needed in Raleigh area to cover GTE's market? Is this the first of a series?

2. Can GTE put in writing how this tower will benefit downtown Raleigh?

3. What alternative items are viable? Why not a small tower on top of a building?

4. What will be the tower's appearance and height in relation to the Holiday Inn, the nearest tall building?

5. How will the tower affect property values within a 1-mile radius?

Here are a few recommendations:

1. That GTE be requested to submit drawings of the appearance, dimensions and bulk of the structure. (Some towers can be beautifully engineered.) Only a "footprint" is available now.

2. That NCSU School of Design be requested to produce a computer simulation of the tower's impact on the Boylan Heights residential neighborhood, on the nearby Hillsborough/Glenwood business buildings, and on the downtown skyline.

3. That all gathered information be referred both to the Appearance Commission and the Downtown Committee to report on the tower's positive and negative aspects to the Community.

4. That all reports be published at least two weeks before another public hearing is held.

5. That all property owners within a 1-mile radius of the tower be sent a notice of the next public hearing.

Isabella Cannon, 212 Brooks Avenue, indicated she was at the meeting representing herself. She pointed out because of the time restraints she had not had an opportunity to discuss the proposed with any of the groups she is involved with. She stated she is aware of the ordinance regarding telecommunications tower as she was on the Council when it was adopted. She indicated she endorsed everything Ms. Baermann had stated. She pointed out, however, the people of Raleigh do not know enough about this tower. The people do not know if it will be nice or ugly. She explained the citizens are working very hard to upgrade Hillsborough Street as it is considered as Raleigh's main street pointing out more people see it than any other street in the City of Raleigh. She explained they are worried about what this will do to the street which needs to be protected. She stated she is sure that GTE Sprint has observed all the technical requirements of the ordinance but they haven't spoken to

looks, aesthetics, etc. She questioned what this will do to our downtown revitalization effort.

Lidia White, representing the Appearance Commission, indicated the Commission as a whole has not had an opportunity to discuss this request. She indicated, however, she had discussed it with some of the members personally. She stated this will be the tallest structure in our skyline and it could have a positive or negative impact. She stated questions need to be answered such as what will it look like, what are the options, etc. She indicated everyone realizes that the minimum requirements have been met but it is suggested that this item be referred to the Appearance Commission or the Downtown Advisory Committee before a decision is made.

Peter Bougadas, 3901 Yadkin Drive, indicated he owns property at the corner of Hillsborough and Glenwood Avenue. He indicated the City has already made enough decisions relating to Hillsborough Street that has deteriorated the property such as the one-waying and construction of an island. He indicated an area needs capital to survive but this monstrosity of a tower is not the type thing the area needs as he feels it will lead to further destruction in this area. He suggested that the Hillsborough Task Force be allowed to meet and discuss this before a decision is made.

Jim Sarauton, 3422 Lander Road, indicated he is involved in property at the intersection of West Morgan and Hillsborough Street. He indicated he supports the opposition to this tower pointing he feels it will be detrimental to the downtown development and revitalization. He indicated he was thinking of putting an office condominium on his property and he feels this tower will have a negative affect and will decrease the tax base of the area.

Steve Serletis, 3307 Sussex Road, indicated he is not a property owner in the area but does have concerns. He stated this area isn't sparsely populated as required. He questioned if there will be a hard wire between the tower and the telephone company pointing out if that is the case it is cost effective for GTE Sprint to have this tower in this location but not a necessity. He indicated he did not feel that the City should allow GTE Sprint to reduce cost at the benefit of the City's skyline.

Glen Plott, 1003 West Lenoir Street, indicated he was past president of the Boylan Heights Association. He stated they have not had an opportunity to have a formal meeting and discuss this matter, however, they had polled the neighborhood and the neighborhood is objecting to the placement of the tower. He stated it would be adjacent to the Boylan Heights Historic Properties in the area and they feel that it will be detrimental to those as well as to the proposed housing in the downtown area. He urged Council to disapprove this location and make them find a more suitable site.

Norma Burns indicated about four years ago, the City begin a study and put a lot of effort into beginning the upgrading of Hillsborough Street and that area is beginning to turn around the decay that downtown Raleigh was experiencing. Ms. Burns called on the Council to refer this item to a Committee to allow time for it to be studied to find out what its impact on the City will be. She indicated this tower may set a precedent as we are in a transition stage for all types of communications. She indicated it is hard to know if this tower will be good or bad as no one has had the time to consider it and to consider if this is the best way to provide for this transitional mode of communications or the best location. She called on the City to refer this item to a Committee to give more time, more consideration and more thought before taking action. Approximately 25 persons stood in opposition.

Mr. Sinclair indicated GTE Sprint is not proposing anything negative. He stated they have to have a tower to operate. He indicated as far as screening is concerned they are willing to do that pointing out they can screen the base but not the tower. He indicated they have looked at various locations. He stated as far as they are concerned, this is the only tower that they will be requested in the Raleigh area. He stated it is needed to provide long distance service for the City of Raleigh. He stated it is a tower and he cannot change the appearance. He stated the height is needed so they can go west to their next tower. He indicated notification was provided to all adjacent property owners as required. He stated some people have requested a drawing and they could have had one here if they thought it was necessary. He indicated he was not familiar with the computer printout one person requested. He stated they had not presented this request to any Committees that had been referred to as they were not aware that they should. He stated as far as more information to citizens groups is concerned he has provided all the information we have. He stated they are not trying to do anything to downgrade the neighborhood. He stated it will be a well maintained building and he really thinks it will be an improvement in the area. He stated if there is a negative in this proposal, it is the tower and the positive in this proposal is trying to serve the City of Raleigh. He stated they are not here to try to deteriorate any area as it will be a clean spotless facility. He again stated a tower is a tower whether it be a 180 feet or 400 feet. He indicated as far as deteriorating tax base is concerned that this tower will actually increase the tax base on that particular piece of property. He indicated when you exceed 300 feet in a tower there is a requirement that to submit an environmental impact statement and that has been done. He stated it is not their intent to undermine any part of Raleigh and they want to be a good neighbor but their business requires a tower. He stated as far as precedent setting is concerned they do not know about that. He stated they are the first one to come in the City as they thought they had the right to be in the City of Raleigh. He stated they expect to be here a long time.

Mayor Upchurch indicated that under certain situations companies do have a right to build a tower but you have to work with neighbors in the City of Raleigh. He indicated this is a City Council decision and maybe we do need to let a Committee pick this up and discuss this further. Ms. Babb questioned what characteristics this spot has that makes it the most desirable from GTE Sprint's point of view. It was pointed out the availability of frequencies, proper zoning and availability of the property as well as close proximity to the telephone company. In response to questioning, Carl Harris representing GTE indicated they did look at 10 to 15 sites. He pointed out they have to run an interference study on each tower they put in and explained how that occurs and what constitutes where they have to place the tower. Mr. Congleton questioned if they considered any sites along Hillsborough Street where the other radio and T.V. towers are located. Mr. Harris indicated they try to locate within 1 mile of the point of presence or the local telephone company. He indicated it is a hard wire situation so they have to be connected so the further away they get the more dirt they have to plow, easements, etc., that have to be secured. He indicated this particular spot is 323 feet above sea level and there are some spots in Raleigh that are 500 feet above sea level. It was pointed out if they were on a higher level then the tower itself would not be as high but the end result would be the same height. Other discussion took place on sites they have looked at, possibility of other sites that would not have interference, etc. After which by general consensus, it was agreed to hold the hearing open and refer the matter to Law and Finance Committee. In doing so, Mayor Upchurch indicated he would like to see this tower on the computer screen simulation.

***CITY MARKET PROJECT - AGREEMENT WITH CRANSTON DEVELOPMENT - APPROVED

City Manager Benton went over a proposed contract with Cranston Development Corporation for the development of the City Market project. He referred to key dates of September 17 and December 2. He explained if this agreement is approved by City Council it would also have to be approved by NCNB and signed by Cranston Development Group. He indicated this agreement was discussed in detail with the Downtown Committee yesterday. In response to questioning, City Manager Benton briefly explained the operating deficit account and how that would operate. He also explained the termination agreement and how that would work. Mr. Walters questioned if the December 2 date is realistic for having all of the land acquired. City Manager Benton indicated that is the date that has been set. He stated he would like to have more time and he is not real comfortable with that date but that is what has been set. After other discussion, Ms. Babb moved the agreement with Cranston Development Corporation be approved. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-114-84 - STRAWNS CROSSING - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 48 acre, undeveloped tract into 58 lots. The property is zoned Residential-4 (43 acres) and Residential-6 (5 acres). The property is located on the west side of US 401 north of Spring Forest Road outside the City Limits. Planning Director Chapman indicated the Planning Commission recommends that this request be approved according to a map entitled, "Strawns Crossing Subdivision", the property of Bern Bullard Industries, drawn by Bass, Nixon and Kennedy, dated April 15, 1985, with the following conditions: (1) that a left turn lane be constructed on US 401 for the project; (2) that an 8-inch sewer line and a 20 foot easement be extended to adjacent lots fronting on US 401 (Parcels 5 and 41, Map 383); (3) that no access be allowed from US 401 to Lot 58; (4) that a map be recorded to show Phase I as a separate tract and (5) that building permits be withheld from Lots 1, 2, 3 and 58 until a turnaround is constructed at the end of Holly Drive.

Brief discussion took place, after which, Mr. Walters expressed appreciation to the Planning Commission for holding a special meeting to consider this item. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in affirmative. The Mayor ruled the motion adopted.

***STREET CLOSING - WADE AVENUE RIGHT-OF-WAY - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of Wade Avenue right-of-way. The hearing is pursuant to resolution of intent, notification and advertisement as required by law. Planning Director Chapman explained the proposal. The Mayor opened the hearing. No one asked to be heard. The Mayor closed the hearing. Ms. Babb moved adoption of a resolution authorizing the closing as advertised. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 923

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF WADE AVENUE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Wade Avenue right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close

said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Wade Avenue be closed permanently as follows:

WADE AVENUE (BROOKS AVENUE TO DUPLIN DRIVE)
PROPERTY DESCRIPTION

Beginning at a point, said point being the intersection of the existing eastern right of way line of Duplin Drive and the old northern right of way line of Wade Avenue; thence along said old right of way line south 85 deg 42 min east 355 feet to a point being the intersection of the existing western right of way line of Brooks Avenue and the northern right of way line of Old Wade Avenue; thence south 4 deg 20 min west 60.0 feet to a point being the intersection of the existing western right of way line of Brooks Avenue and the old southern right of way line of Wade Avenue; thence along said old right of way line north 85 deg 42 min west 242.7 feet to a point in the existing new northern right of way line of Wade Avenue; thence northerly along said northern right of way line on an arc length approx. 128 feet more or less to the point and place of beginning. Further reference is made to a map prepared by CITY OF RALEIGH DEPARTMENT OF CENTRAL ENGINEERING, entitled PROPOSED R/W LOCATION, INTR. WADE AVE. & BROOKS AVE.. dated 1/24/57, and recorded in Book of Maps 1958 Page 116, in the office of the Register of Deeds for Wake County, North Carolina.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina, upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 8/6/85

Effective: 8/6/85

JOINT HEARING WITH THE PLANNING COMMISSION

The City Council went into a joint hearing with the Planning Commission at 8:45 p.m. to consider a text change and rezoning application. The minutes of that meeting are covered in a separate set.

Gail G. Smith
City Clerk

cmc/ibm2